

Extra Ordinary Part-IV / 2018

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 26th February, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 1 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 27th February, 2018).

AN ACT

to provide for the constitution of a Road Safety Authority for the implementation of road safety programmes in the State and to act as a lead agency for road safety; for the establishment of road safety fund and for matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Road Safety Authority Act, 2018. **Short title and commencement.**

(2) It shall be deemed to have come into force on the 3rd October, 2017.

Definitions. 2.

(1) In this Act, unless the context otherwise requires, -

- (a) “accident” means any incident wherein on account of the use of a motor vehicle on a public road, death, bodily injury or damage is caused to any person or property, as the case may be;
- (b) “Authority” means the Gujarat Road Safety Authority constituted under section 3;
- (c) “Chairman” means the Chairman of the Authority or of the Executive Committee, as the case may be;
- (d) “Enforcement officer” means the Enforcement Officer appointed under this Act and includes the Chief Enforcement Officer or, as the case may be, the Deputy or Regional Enforcement Officer;
- (e) “Executive Committee” means the Executive Committee of the Authority constituted under section 8;
- (f) “Fund” means the Gujarat Road Safety Fund constituted under section 10;
- (g) “Local authority” means,-
 - (i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949; **Bom. LIX of 1949.**
 - (ii) a Municipality constituted under the Gujarat Municipalities Act, 1963; **Guj. 34 of 1964.**
 - (iii) a Panchayat constituted under the Gujarat Panchayats Act, 1993; **Guj. 18 of 1993.**
- (h) “public road” shall include any road to which public have access ; and also the traffic island medians and footpath;
- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “regulations” means the regulations made under section 35;

(k) “Road Safety Commissioner” means any officer appointed by the State Government to perform the functions of the Commissioner of Road Safety under this Act and the rules made thereunder and includes a Joint Road Safety Commissioner and the Deputy Road Safety Commissioner;

(l) “State, District or City Road Safety Committee” means the State, District or, as the case may be, the City Road Safety Council or Committee constituted under section 215 of the Motor Vehicles Act, 1988;

59 of 1988.

(m) “vehicle” means vehicles or motor vehicles as defined in the Motor Vehicles Act, 1988 and includes any device used or capable of being used for the carriage of movement of human beings, animals or goods;

59 of 1988.

(n) “victim” means a victim of an accident.

(2) Words and expressions used but not defined in this Act shall have meanings respectively assigned to them in the Motor Vehicles Act, 1988 and the Gujarat Motor Vehicles Tax Act, 1958.

59 of 1988.

Bom. LXV of 1958.

3. (1) The State Government may, by notification in the *Official Gazette*, constitute, with effect from such date as may be specified therein, an authority to be called “the Gujarat Road Safety Authority (GUJROSA)”.

Constitution of Gujarat Road Safety Authority.

(2) The Authority shall be a body corporate by the name as aforesaid, having perpetual succession and a common seal, with powers subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall, by the said name, sue and be sued.

(3) The Authority shall consist of the following members, namely:-

(i) the Minister for Transport, who shall be the Chairman of the Authority;

- (ii) the Secretary to the Government of Gujarat, Transport Department, who shall be the Vice-chairman of the Authority;
- (iii) the Secretary to the Government of Gujarat, Home Department;
- (iv) the Secretary to the Government of Gujarat, Health and Family Welfare Department;
- (v) the Secretary to the Government of Gujarat, Education Department;
- (vi) the Secretary to the Government of Gujarat, Roads and Buildings Department;
- (vii) the Director General of Police, Gujarat State;
- (viii) the Managing Director, Gujarat State Road Transport Corporation (GSRTC);
- (ix) the Municipal Commissioner of Ahmedabad Municipal Corporation;
- (x) the Chief Engineer, National Highway Authority of India (NHAI);
- (xi) the Chairman, Western India Automobile Association (WIAA);
- (xii) the Commissioner of Transport, Gujarat State;
- (xiii) two persons who are experts in the field of road safety, to be nominated by the State Government;
- (xiv) the Chief Enforcement Officer, who shall be the Member-Secretary of the Authority.

(4) The Chief Road Safety Commissioner shall be the Chief Executive Officer of the Authority and thereby he shall be the head of the staff of the Authority.

(5)

**Functions of
Authority.**

4. (1) The Authority shall discharge the following functions, namely:-

- (a) to act as a lead agency of the State for Road Safety;

- (b) to advise the State Government on road safety policies;
- (c) to implement the National Road Safety Policy and the Gujarat Road Safety Policy;
- (d) to work as a secretarial for the State Road Safety Council, arrange meetings of the Council issue its Minutes and monitor the implementation of the decision of the Council by the concerned Departments of the State.
- (e) to co-ordinate with the concerned Departments of the State Government to ensure implementation of the directions issued from time to time by the Supreme Court Committee on Road Safety and furnish compliance report in a time bound manner;
- (f) to implement the directions and recommendations issued from time to time by the Central Government, State Government, Hon'ble courts or the World Health Organization regarding Road Safety;
- (g) to notify annual targets for reduction of accidents and fatalities as fixed by the State and draw up an Annual Action Plan to achieve the targets and monitor its implementation;
- (h) to collect on a regular basis data on road accidents and analyze the data to identify areas / road stretched and categories of accident victims;
- (i) to direct the Government Departments, State Road Safety Council, District and City Road Safety Committee and other persons regarding road safety;
- (j) to implement the directions of the Supreme Court Committee on Road Safety;
- (k) to co-ordinate with the Road Safety Committee;
- (l) to co-ordinate the cases relating to principle of no fault;
- (m) to prescribe and enforce road safety standards and procedures;

- (n) to formulate schemes, projects and programmes relating to road safety;
- (o) to co-ordinate the work relating to road safety with all public or private institutions, NGOs, concerned agencies and departments;
- (p) to facilitate implementation of road safety programmes by various means or media;
- (q) to administer the Fund and ensure that the Fund is effectively utilized;
- (r) to take appropriate decisions for efficient administration and management of the Authority, and to formulate policies for the code of conduct, disciplinary actions, grievance redressal mechanism and all other required policies and guidelines for the day to day smooth working for the road safety;
- (s) to provide and arrange for training programmes and to organize conferences, seminars, workshops, celebration activities and all such other activities for the purpose of capacity augmentation of the manpower working in the field of road safety;
- (t) to publish and finance specific research in relevant fields and to publish relevant papers, reports, books, journals, periodicals and newsletters covering the activities of the Authority;
- (u) to enter into agreement with research agencies/institutes/universities engaged in the field of road safety at international/national level or like institutions in specialized areas pertaining to the activities of authority for exchange of professionals, study tours, training seminars and workshops, conducting joint projects, technical assistance in the field of road safety.
- (v) to co-operate or collaborate with other institutions having objects similar to the Authority;

- (w) to establish and maintain a library, provide reading, reference and research facilities and cater to the needs of students, practitioners and researchers particularly in the field of road safety;
- (x) to receive, manage and disburse the funds and maintain the accounts for the funds received;
- (y) to make regulations for conduct and management of the affairs of the Authority and to add, amend, vary or rescind them from time to time;
- (z) to sanction expenditure for the implementation of road safety schemes and programmes;
- (za) to sanction expenditure for road safety projects and for purchase and installation of equipments and devices connected with road safety;
- (zb) to sanction financial assistance to organizations and institutions working in the field of road safety;
- (zc) to sanction expenditure for the conduct of studies, projects and research on matters relating to road safety;
- (zd) to extend assistance to the victims of accidents;
- (ze) to sanction expenditure for trauma-care programmes or activities;
- (zf) to sanction administrative expenditure of the Authority;
- (zg) to sanction expenditure on matters connected with road safety measures;
- (zh) to oversee the implementation of all laws relating to road safety such as helmet, seat belt, etc.;
- (zi) to oversee the action to prevent the vehicles from being driven on the road without third party insurance;
- (zj) to discharge such other functions, as may be prescribed, having regard to the objects of this Act.

(2) The Authority shall be empowered to pass necessary orders to ensure the compliance of above mentioned function or functions.

**Meetings of
Authority.**

- 5.** (1) The Authority shall meet at such time and place and shall follow such rules of procedure for transaction of business of the meeting as the Chairman may decide.
- (2) Every meeting of the Authority shall be presided over by the Chairman or in his absence, by the Vice-Chairman.
- (3) The quorum for a meeting of the Authority shall be five.
- (4) The meeting of the Authority may be held at least once in six months.
- (5) Every matter to be decided by the Authority shall be considered and disposed of at the meetings of the Authority in accordance with the decision of the majority of the members present. The Chairman or the presiding Vice-Chairman shall have the casting vote.
- (6) No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

**Officers and
employees of
Authority.**

- 6.** The State Government shall, for the purpose of carrying into the effect the provisions of this Act, provide to the Authority, such number of officers and employees as may be necessary for the efficient performance of the functions of the Authority under this Act as expeditiously as possible and the terms and conditions of service of officers and employees shall be such as may be prescribed by the State Government.

**Salaries and
allowances.**

- 7.** The salaries and allowances payable to the non-official members of the Authority and administrative expenses including the salaries and allowances payable to the officers and other employees shall be paid in the manner as may be prescribed by the State Government out of the grants made to the Authority under this Act:

Provided that the Authority shall be empowered to determine salaries and allowances as well as service conditions, eligibility conditions in case of contractual employees with the approval of the Government from time to time:

Provided further that the Authority shall follow employment recruitment procedure framed by it and approved by the State Government from time to time.

8. (1) There shall be an Executive Committee for the Authority consisting of the following members, namely:- **Executive Committee.**

- (a) the Secretary to the Government of Gujarat, Transport Department, who shall be the Chairman;
- (b) the Transport Commissioner, who shall be the Vice-Chairman;
- (c) the Commissioner of Health, Gujarat State;
- (d) the Commissioner of Primary Education, Gujarat State;
- (e) the Inspector General of Police (Traffic);
- (f) the Chief Engineer (Roads and Bridges);
- (g) the Chief Engineer (National Highways);
- (h) the Joint Commissioner of Traffic, Ahmedabad city;
- (i) the Deputy Municipal Commissioner, Ahmedabad Municipal Corporation;
- (j) the Regional Transport Officer, Ahmedabad;
- (k) the Joint Director, the Commissioner of Transport or, as the case may be, the Officer on Special Duty;
- (l) the Deputy Enforcement Officer, who shall be the Member-Secretary;
- (m) two experts from the field of road safety education and emergency care, as may be nominated by the Authority.

(2) Subject to such restrictions, conditions and limitations as may be imposed by the Authority, the Executive Committee shall exercise such

powers and discharge such functions of the Authority as may be delegated to it by the Authority.

(3) The Executive Committee shall be responsible for implementing the decisions of the Authority.

**Meetings of
Executive
Committee.**

9. (1) The Executive Committee shall meet at such time and such place as the Chairman of the Executive Committee may decide and shall observe such rules of procedure in relation to transaction of its business at the meetings, as may be made by the resolution.

(2) Every meeting of the Executive Committee shall be presided over by the Chairman or in his absence, by the Vice-Chairman.

(3) The Executive Committee may meet at least once in two months or sooner, as may be decided by the Chairman of the Executive Committee.

(4) The quorum for meeting of Executive Committee shall be five.

(5) Every matter to be decided by the Executive Committee shall be considered and disposed of at the meeting of the Executive Committee in accordance with the decision of the majority of the members present and voting. The Chairman shall have the casting vote.

(6) No act or proceedings of the Executive Committee shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Executive Committee.

**Establishment
of Fund.**

10. (1) As soon as may be after the constitution of the Authority, there shall be established a Fund to be called the "Gujarat Road Safety Fund".

(2) There shall be credited to the Fund, -

- (a) grants by way of share of compounding fees recovered for traffic violations under the Motor Vehicles Act, 1988 **59 of 1988.** or for violations under this Act;

- (b) any other grants as may be fixed by the State Government from time to time;
- (c) loans or advances made by the State Government;
- (d) grants, loans or advances made by the Government of India;
- (e) contributions from public or private institutions or organizations;
- (f) by auctioning of the confiscated vehicle.

11. (1) The Fund shall vest in and be administered by the Authority under this Act.

**Vesting and
Administration
of Fund.**

(2) The Authority shall administer the Fund vested in it in such manner, as may be determined by the Authority with the approval of the State Government from time to time.

(3) All moneys forming part of the Fund shall be deposited in any Nationalized Bank, as may be decided by the Authority and the account shall be operated by the Chief Enforcement Officer of the Authority in such manner, as the Authority may decide.

12. The Fund shall be utilized for all or any of the functions of the Authority mentioned in section 4.

**Utilisation of
Fund.**

13. (1) Notwithstanding anything contained in any other law for the time being in force, where the Enforcement Officer is satisfied, on a report by any person or otherwise, that-

**Removal
of causes
of
accidents.**

- (i) structure or materials including arches, banners, display boards, hoardings, tents, pandals, poles, platforms, statues, monuments or any other structures, on a public road;
- (ii) the condition of any parking area, tree, structure or building situated in the vicinity of a public road; or

- (iii) the entry or exit of any building or premise in the vicinity of a public road, is likely to cause an accident or causes an obstruction to the free flow of traffic or distract the attention or obstruct the vision of the driver of any vehicle,

the Enforcement officer may, after recording reasons thereof, direct the person concerned, either by a general or a special order, to take such measures as it considers necessary and such person shall be bound to comply with the direction within such time, as may be specified by the the Enforcement officer.

(2) Notwithstanding anything contained in sub-section (1), in case of urgency, the Chief Road Safety Commissioner or the Joint Road Safety Commissioner may take such action as may be necessary to prevent accident or obstruction, as the case may be, and recover the cost thereof from the person responsible, in such manner as may be prescribed.

**Power to
seize
vehicles.**

14. (1) Notwithstanding anything contained in any other law for the time being in force, where the Enforcement Officer or any officers of Police not below the rank of Assistant Inspector of Police or any officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles or any officer of the State Government authorized in this behalf is satisfied, on a report by any person, or otherwise, that the placement or positioning of any vehicle, on a public road or the movement of vehicles on a public road is likely to cause accident or cause obstruction to the free flow of traffic or distract the attention, or obstruct the vision of the driver of any vehicle or vehicle used without the third party insurance or carrying of goods in a manner dangerous to public or carrying overload goods in such a way to create or likely to create danger to public safety on road, he may –

- (i) seize the vehicle, in the prescribed manner and for this purpose take or cause to be taken such steps as he may consider proper for the temporary safe custody of the vehicle; or

- (ii) instead of seizing the vehicle, seize the certificate of registration of such vehicle and shall issue an acknowledgement in respect thereof.

(2) Where a motor vehicle has been seized under sub-section (1), the owner or person in-charge of the motor vehicle may apply to the officer as referred to in sub-section (1), alongwith the relevant documents and such fees as may be specified by the State Government by notification in *Official Gazette* for the release of such vehicle and such officer may, after verification of such documents, by making an order, release the vehicle subject to such conditions, as he may deem necessary to impose:

Provided that the different fees may be specified for different vehicles and different purposes.

(3) Notwithstanding anything contained in this section, if any vehicle seized under sub-section (1) shall lie with the authority for more than two months due to non-attempt of the releasing such vehicle or no one applies to release such vehicle, or, if any vehicle seized three times under sub-section (1), the officer as referred to in sub-section (1), may forfeit the vehicle in the name of the State Government after giving an opportunity of being heard to the owner or a person in possession or control of such vehicle.

(4) The vehicle so forfeited may be auctioned by the forfeiting officer as may be determined by the Authority.

(5) The income generated from the auction shall be deposited in the fund of the Authority.

15. (1) The Authority or the State Road Safety Committee or District or City Road Safety Committees may by order give direction to any officer of the Government department or public authority or local authority or any person of public, public or private institutions to act for the purpose of Road Safety.

**Power to
order works
and give
directions.**

(2) Notwithstanding anything contained in sub-section (1) or any other law for the time being in force, it shall be lawful for the Chief Road Safety Commissioner or the Joint Road Safety Commissioner to pass following orders or give direction to ensure Road Safety, namely:-

- (i) to fulfill any work or improvement on a public road, as it may consider necessary,
- (ii) to ensure implementation of all laws relating to Road Safety such as helmet, seat belt, etc.,
- (iii) to implement the decisions of the State Road Safety Council,
- (iv) to implement the direction given by the State Government under section 33:

Provided that no order under this sub-section shall be issued by any officer of the Government department or public authority or local authority or any person of public, public or private institutions without prior written notice and opportunity of being heard. If such officer of the Government department or public authority or local authority or any person of public, public or private institutions fails to respond or reply to the satisfaction of the Chief Road Safety Commissioner or Joint Road Safety Commissioner, a reasoned order shall be issued and same shall be binding on any officer of the Government department or public authority or local authority or any person of public, public or private institutions.

(3) Every officer of the Government department or public authority or local authority or any person of public, public or private institutions shall be bound to carry out such works or improvement or compliance of the orders or directions passed under sub-section (1) or (2) within such time, as may be specified by the Authority:

(4) It shall be the duty of any officer of the Government department or public authority or local authority or any person of public, public or private institutions to act in aid of the Authority in enforcing under sub-section (1) and sub-section (2).

(5) If any officer of the Government department or public authority or local authority or any person of public, public or private institutions to whom a written order is served under sub-section (2) refuses or fails to comply with the order within the time limit set out by the Authority, the Chief Road Safety Commissioner or the Joint Road Safety Commissioner may after giving opportunity of being heard impose a fine up to ₹ 1,00,000 (rupees one lakh only) in person or recommend the disciplinary action upon such officer or person under the service law applicable to him and may also take such action as to prevent danger and ensure safety to the public and may recover the cost thereof from such officer of the Government department or public authority or local authority or any person of public, public or private institutions:

Provided that the fine imposed shall be recoverable from the salary of such officer of the Government department or public authority or local authority or any person of public, public or private institutions and the drawing and disbursing officer of that officer shall be liable to deduct and deposit it in the account of the Authority.

16. Any amount due to the Authority or the Road Safety Commissioner or the Enforcement Officer under this Act shall, without prejudice to any other mode of recovery, be recoverable in the same manner as an arrear of public revenue due on land. **Amounts recoverable as arrears of land revenue.**

17. Where the Authority or the Road Safety Commissioner or, as the case may be, the Enforcement Officer is of the opinion that any officer of the Government department or public authority or local authority or any person of public, public or private institutions refuses or fails to comply with any written order or direction of the Authority or Road Safety or Enforcement officer or any order passed under this Act **Penalty for failure to comply order.**

except under sub-section (2) of section 15, it shall impose a penalty by reasoned order of five hundred rupees each day till the compliance of the order or direction of the Road Safety Commissioner or the Enforcement officer, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that any officer of the Government department or public authority or local authority or any person of public, public or private institutions, as the case may be, shall be given a reasonable opportunity of being heard before any penalty imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on such officer of the Government department or public authority or local authority or any person of public, public or private institutions, as the case may be.

**Accounts
of Fund.**

18. The accounts of the Fund shall be maintained by the Accounts officer under the overall supervision and control of the Chief Enforcement Officer in such manner, as may be resolved from time to time by the Authority.

**Submission
of reports.**

19. Every District or City Road Safety Committee shall submit such reports and returns and furnish such information to the Authority, as may be required from time to time.

**Annual
report.**

20. (1) The Authority shall, during each financial year, prepare in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities in the previous year and submit such report to the State Government before such date as the State Government may by order specify.

(2) The Government shall cause every such report to be laid before the State Legislature, as soon as may be, after the receipt of the same.

21. (1) The accounts of the Authority shall be audited annually.

**Audit of
Accounts.**

(2) The Authority may also carry out internal audit including concurrent audit of the accounts every year by such officials or by the Chartered Accountant as it deems fit.

(3) The accounts of the Authority, as certified by the auditor, together with the audit report thereon shall be submitted to the State Government along with the remarks thereon by the Authority and the State Government shall cause the same to be laid before the State Legislature.

(4) The Authority shall take such corrective steps as may be ordered by the State Government in pursuance of the report.

22. The Authority may, with the previous approval of the State Government, delegate to the Executive Committee or the Road Safety Commissioner or the Chief Enforcement officer or the District or City Road Safety Committee or to any other officer of the authority or to any Gazetted officer of the Government by general or special order, subject to such restrictions as it deems fit, such of its powers and functions, as it may consider necessary, for the effective implementation of the road safety programmes. The District or City Road Safety Committee shall exercise such powers and perform such functions, as the Authority may delegate from time to time.

Delegation.

23. Notwithstanding anything contained in section 15 or section 17-

**Offences and
punishment.**

(1) whoever, including the public servant, refuses or fails to comply with any written order or direction of the Road Safety Commissioner or Enforcement Officer, or any other officer under section 22 shall be punishable with imprisonment for a term of three months or with fine which may extend to five thousand rupees or with both.

(2) in the case of a continuing offence, a fine of one thousand rupees shall be imposed for each day for which the offence continues.

(3) a Judicial Magistrate of First Class shall try an offence punishable under this Act.

**Compounding
of offences.**

24. Any offence punishable under this Act may either before or after the institution of prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

**Offences by
Companies.**

25. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all the due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- for the purposes of this section-

- (a) "Company" means anybody corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

Appeal. 26. (1) Any person aggrieved by an order passed by any officer of the Authority under this Act may, within sixty days of the date of that order, appeal to the Joint Road Safety Commissioner.

(2) Every appeal preferred under sub- section (1) shall be accompanied by fees of rupees five thousand.

(3) After the receipt of any appeal under sub-section (1), the Appellate Authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

27. The Chief Road Safety Commissioner may, *suo-motu* or on application made to it by the aggrieved person, call for the records of any case in which an order under section 13, 14, 15 or 26 has been passed by any subordinate officer of the Authority and if it appears to the Chief Road Safety Commissioner that the order is improper or illegal, he may pass such order as he deems fit. **Revision.**

XLV of 1860.

28. All the members and employees of the Authority while acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. **Members, officers and employees to be public servants.**

29. No suit, prosecution or other legal proceedings shall lie against the Government or Authority or any officer of the Government or any member or other employees of the Authority for anything, which is done in good faith or intended to be done under this Act or the rules made thereunder. **Protection of action taken in good faith.**

30. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence submitted with the prior permission of the Authority or, as the case may be, the Executive Committee or the Chief Enforcement Officer. **Cognizance of offences.**

31. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act or the rules made thereunder required to be settled, decided or dealt with or to be determined by the State Government or the Authority or any officer authorized by the State Government or the Authority. **Bar of jurisdiction of civil courts.**

**Act not in
derogation to
any law for the
time being in
force.**

32. The provisions of this Act shall be in addition to, and not in derogation of any of the provisions of the Motor Vehicles Act, 1988 or any other law for the time being in force. **59 of 1988.**

**Power of
State
Government
to give
directions.**

33. The State Government having regard to-

- (a) the desirability of effective enforcement of the provisions of this Act or any other law for the time being in force to control and regulate the road traffic,
- (b) the desirability to reduce vehicle density on public road,
- (c) the desirability of preventing the road accidents,
- (d) the desirability of preventing the deterioration on the road system,

may, from time to time, by notification in the *Official Gazette*, issue directions to the Authority,-

- (i) regarding control of the purchase of second vehicle,
- (ii) regarding prevention and regulation of the use of the vehicles more than age of 15 years and manner for the scrap thereof,
- (iii) regarding fixing time of the use or prohibiting use of the of the vehicle on the public road in the specific area or areas,
- (iv) regarding the appointment of any public or private agency after following due process by the Authority; for the purpose of road safety measure in specific area or areas, to remove traffic nuisance, detect traffic offence, accept composition fee, recover fine or penalties, recover cost of the damage caused by traffic nuisance, regularize any other measure related to road safety in the benefit of public at a large,

- (v) regarding fixing of service charge as may be levied by such agency.
- (vi) any other direction as the State Government may deem fit to give to ensure road safety:

Provided that the rate of compounding fees, penalties or fine shall be specified under the respective laws or rules made thereunder:

Provided further that compounding fees, penalties, fine or cost shall be deposited in the Government treasury by such agencies. However, such agencies may be entitled to retain service charge with itself.

Explanation.- For the purpose of clause (i), “second vehicle” means the second number of vehicle purchased by the person who owned one vehicle.

34. (1) The State Government may, subject to the condition of previous publication, for the period as the State Government may deem fit, make rules for carrying out the purposes of this Act. **Power to make rules.**

(2) In particular, and without prejudice to the generality of the foregoing provision, the State Government may make rules for all or any of the following matter, namely:-

- (a) functions to be performed by the Authority in addition to the functions provided in section 4;
- (b) the designation, method of appointment and other conditions of service of the officers and staff of the Authority;
- (c) the form and the time for preparation of annual report under section 20;
- (d) any other matter which is required to be, or may be, prescribed.

(3) The contravention of any of the provisions which are specified in such rule shall be punishable with fine, which may extend to one thousand rupees.

(4) All rules made under this section shall be published in the *Official Gazette*.

(5) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(6) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

**Power to
make
regulations.**

35. The Authority may make regulations in respect of the procedure to be adopted by the Authority, the Executive Committee and officers of the Authority for meetings and disposal of matters coming up before the Authority or the Executive Committee or the officers, as the case may be.

**Power to
remove
difficulties.**

36. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as it appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

**Repeal and
savings.**

37. (1) The Gujarat Road Safety Authority Ordinance, 2017 is hereby repealed.

**Guj. Ord. 2
of 2017.**

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd March, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 2 OF 2018.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 6th March, 2018).

AN ACT

Further to amend the Gujarat Money-Lenders Act, 2011.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

- | | | |
|---|--|-------------------------------------|
| | 1. (1) This Act may be called the Gujarat Money-Lenders (Amendment) Act, 2018. | Short title and commencement |
| | (2) It shall be deemed to have come into force on the 13 th November, 2017. | |
| Amendment of section 17 of Guj.14 of 2011. | 2. In the Gujarat Money-Lenders Act, 2011 (hereinafter referred to as "the principal Act"), in section 17, in sub-section (2), for the words "village panchayat", the words "Gram Sabha" shall be substituted. | Guj.14 of 2011 |
| Repeal and savings. | 3. (1) The Gujarat Money-Lenders (Amendment) Ordinance, 2017 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act. | Guj.Ord.3 of 2017 |



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th March, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2018.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 6th March, 2018).

AN ACT

Further to amend the Gujarat Agricultural Produce Markets Act, 1963.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2018. **Short title and commencement**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 26 of Guj. XX of 1964. **2.** In the Gujarat Agricultural Produce Markets Act, 1963, in section 26, for Guj. XX of 1964. sub-section (2), the following sub-section shall be substituted, namely:-

“(2) Notwithstanding anything contained in this Act, a market committee shall, as directed by the Director with the approval of the State Government, carry on the business of,-

(i) purchasing or selling of such agricultural produce;

- (ii) cleaning, grading, sorting, branding, processing, value addition, godown facility for storage, cold storage, marketing as also the contract farming, of such agricultural produce for sale;
- (iii) purchasing of such agricultural produce at the rate of minimum support price as determined by the Government,

for which such market committee shall not require any licence under this Act.”.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th March, 2018 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 4 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 8th March, 2018).

AN ACT

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS the Gokul Foundation, Sidhpur, Dist. Patan has applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish a Private University in the State;

AND WHEREAS the said application has been scrutinised by the Scrutiny Committee and on the report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of a Private University;

AND WHEREAS the State Government is satisfied that the sponsoring body has complied with the conditions of Letter of Intent as provided in section 10 of the said Act and has also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institution specified in column 2 of the Schedule as a Private University, by the name and location of the aforesaid sponsoring body as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

Short title and commencement.

- 1.** (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2018.

(2) This section and clause (i) of section 2 shall come into force at once and clause (ii) of section 2 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj.8 of 2009.

- 2.** In the Gujarat Private Universities Act, 2009, in the Schedule,-

Guj.8 of 2009.

- (i) in the entry at serial No. 24, in column 2, under the heading “Name and Address of the University”, for the words and symbol “Dholera, At & Post: Ratanpur, Taluka: Dhandhuka, District: Ahmedabad”, the words and symbol “At & Post: Rajpur, Taluka: Kadi, District: Mehsana, Gujarat” shall be substituted;
- (ii) after the entry at serial No. 26, the following entry shall be inserted, namely :-

Sr. No.	Name and Address of the Private University	Details of Registration and Registration Number	Sponsoring Body
1.	2.	3.	4.
“27.	Gokul Global University, Gokul Educational Campus, Nr. G.R.S.L., Sujanpur Patia, Sidhpur, Dist. Patan, Gujarat.	Registration under the Gujarat Public Trusts Act, 1950. E/1352, Patan. Date: 17/08/2009.	Gokul Foundation, “Bahuchar Krupa”, Nr. G.R.S.L. State Highway, No. 41, Nr. Sujanpur Patia, Dist. Patan, Gujarat.”.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 7th March, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 12th March, 2018).

AN ACT

further to amend the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Sixty-ninth Year of the Republic of India
as follows:-

1. (1) This Act may be called the Gujarat Panchayats (Amendment) Act, 2018. **Short title and commencement.**

(2) It shall come into force at once.

2. In the Gujarat Panchayats Act, 1993, in section 55, in sub-section (4), for the words "Sarpanch or a member of the panchayat authorized in that behalf by the panchayat, and the Secretary", the words "Sarpanch and the Secretary" shall be substituted. **Guj.18 of 1993.**

Amendment of
section 55 of
Guj.18 of 1993.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 14th March, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 16th March, 2018).

AN ACT

to authorize payment and appropriation of certain further sums from
and out of the Consolidated Fund of the State of Gujarat for the services
of the financial year ending on the thirty-first day of March, 2018.

It is hereby enacted in the Sixty-ninth Year of the Republic of
India as follows:-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2018. **Short title.**

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum ten thousand seven hundred ninety-two crores seven lakhs ninety-four thousands rupees towards defraying the several charges **Issue of ₹ 1,07,92,07,94,000/- from and out of the Consolidated Fund of the State of Gujarat for the financial year 2017-2018.**

which will come in course of payment during the financial year ending on the thirty-first day of March, 2018, in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation. 3. The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEUDLE*(See sections 2 and 3)*

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
1	Agriculture and Co-operation Department	Revenue	1000	0	1000
2	Agriculture	Revenue	16707603000	0	16707603000
5	Co-operation	Revenue	2782683000	0	2782683000
		Capital	1000	0	1000
6	Fisheries	Revenue	694722000	0	694722000
9	Education	Revenue	29045440000	0	29045440000
10	Other Expenditure pertaining to Education Department	Capital	10000000	0	10000000
13	Power Projects	Revenue	10243423000	0	10243423000
		Capital	1000	0	1000
18	Pension and other Retirement Benefits	Revenue	0	52600000	52600000
20	Repayment of Debt pertaining to Finance Department and its servicing	Revenue	0	16000	16000
22	Civil Supplies	Revenue	161470000	0	161470000
23	Food	Revenue	0	427000	427000
26	Forests	Revenue	79796000	1678000	81474000
31	Elections	Capital	10000000	0	10000000
32	Public Service Commission	Revenue	49615000	0	49615000
34	Economic Advice and Statistics	Revenue	16513000	0	16513000
35	Other Expenditure pertaining to General Administration Department	Revenue	0	324000	324000
		Capital	370993000	0	370993000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
39	Medical and Public Health	Revenue	1000	0	1000
40	Family Welfare	Revenue	796036000	0	796036000
43	Police	Revenue	6208911000	0	6208911000
44	Jails	Revenue	242178000	0	242178000
46	Other Expenditure pertaining to Home Department.	Revenue	1257531000	5525000	1263056000
		Capital	287800000	0	287800000
49	Industries	Revenue	4923448000	0	4923448000
51	Tourism	Revenue	1000	0	1000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	1000	0	1000
		Capital	691000	0	691000
54	Information and Publicity	Revenue	1000	0	1000
57	Labour and Employment	Revenue	3238502000	0	3238502000
60	Administration of Justice	Revenue	1000	1000	2000
66	Irrigation and Soil Conservation	Capital	0	500000000	500000000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	Revenue	0	450000000	450000000
70	Community Development	Revenue	3052856000	0	3052856000
71	Rural Housing and Rural Development	Revenue	483706000	0	483706000
72	Compensation and Assignments	Revenue	587380000	0	587380000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	972080000	0	972080000
74	Transport	Revenue	1090090000	0	1090090000
		Capital	686900000	0	686900000
78	District Administration	Revenue	1000	4083000	4084000
79	Relief on account Natural Calamities	Revenue	15034521000	0	15034521000
		Capital	53300000	7695000	60995000
81	Compensation and Assignment	Revenue	516690000	26237000	542927000
82	Other Expenditure pertaining to Revenue Department	Revenue	238000	0	238000
83	Roads and Buildings Department	Revenue	49600000	0	49600000
84	Non-Residential Buildings	Revenue	144465000	6000000	150465000
		Capital	1000	0	1000
85	Residential Buildings	Revenue	0	214000	214000
86	Roads and Bridges	Revenue	355313000	1000	355314000
		Capital	2591635000	28000000	2619635000
87	Gujarat Capital Construction Scheme	Capital	599278000	1200000	600478000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	1576000	30000000	31576000
92	Social Security and Welfare	Revenue	19784000	0	19784000
		Capital	2000	0	2000
93	Welfare of Scheduled Tribes	Revenue	208925000	0	208925000
95	Scheduled Castes Sub-Plan	Revenue	204461000	0	204461000
96	Tribal Area Sub- Plan	Capital	1000	0	1000
100	Urban Development and Urban Housing Department	Revenue	599000	0	599000
101	Urban Housing	Revenue	0	76025000	76025000
102	Urban Development	Capital	950000000	0	950000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	2000000000	0	2000000000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	3000	0	3000
Total Revenue		Revenue	101170165000	653131000	101823296000
Total Capital		Capital	5560603000	536895000	6097498000
Grand Total			106730768000	1190026000	107920794000



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PART IV

**Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 28th March, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 31st March, 2018).

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2019.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2018. **Short title.**

**Withdrawal of
□18,36,66,37,71,000/-
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
2018-19.**

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh eighty-three thousand six hundred sixty-six crores thirty-seven lakh seventy-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2018-19 in respect of the services and purposes specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE
(See Sections 2 and 3)

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			□	□	□
1	2	3	4	5	6
1	Agriculture, Farmers Welfare and Co-operation Department	Revenue	203573000	0.00	203573000
2	Agriculture	Revenue	34774126000	0	34774126000
		Capital	1000000000	0	1000000000
3	Minor Irrigation, Soil Conservation and Area Development.	Revenue	1569555000	0	1569555000
		Capital	921453000	0	921453000
4	Animal Husbandry	Revenue	7381140000	0	7381140000
5	Co-operation	Revenue	7490694000	0	7490694000
		Capital	618702000	0	618702000
6	Fisheries	Revenue	3035398000	0	3035398000
		Capital	2912500000	0	2912500000
7	Other Expenditure pertaining to Agriculture, Farmers Welfare and Co-operation Department.	Capital	2600000	0	2600000
8	Education Department	Revenue	111762000	0	111762000
9	Education	Revenue	241733982000	2440010000	244173992000
		Capital	7984321000	0	7984321000
10	Other expenditure pertaining to Education Department	Revenue	20854000	0	20854000
		Capital	406001000	0	406001000
11	Energy and Petro-Chemicals Department	Revenue	49106000	0	49106000
12	Tax collection charges (Energy and Petro- Chemicals Department)	Revenue	239706000	0	239706000
13	Power Projects	Revenue	54906933000	0	54906933000
		Capital	25613922000	0	25613922000
14	Other expenditure pertaining To Energy and Petro-Chemicals Department	Revenue	9231000	0	9231000
		Capital	1602000	0	1602000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			□	□	□
1	2	3	4	5	6
15	Finance Department	Revenue	208114000	0	208114000
16	Tax Collection Charges (Finance Department)	Revenue	3375159000	0	3375159000
17	Treasury and Accounts Administration	Revenue	1948921000	0	1948921000
18	Pension and other Retirement Benefits	Revenue	113273005000	80000000	113353005000
19	Other expenditure pertaining to Finance Department	Revenue	82619897000	0	82619897000
		Capital	3500000	1000	3501000
20	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue	0	192371755000	192371755000
		Capital	0	154342701000	154342701000
21	Food, Civil Supplies and Consumer Affairs Department.	Revenue	495989000	0	495989000
22	Civil Supplies	Revenue	7200674000	0	7200674000
23	Food	Revenue	590741000	0	590741000
		Capital	1074477000	0	1074477000
24	Other Expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	2000	0	2000
25	Forests and Environment Department	Revenue	133960000	0	133960000
26	Forests	Revenue	4569814000	2600000	4572414000
		Capital	4575122000	0	4575122000
27	Environment	Revenue	204850000	0	204850000
28	Other expenditure pertaining to Forest and Environment Department.	Capital	2200000	0	2200000
29	Governor	Revenue	0	78828000	78828000
30	Council of Ministers	Revenue	57057000	0	57057000
31	Elections	Revenue	1472885000	0	1472885000
		Capital	1000000000	0	1000000000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			□	□	□
1	2	3	4	5	6
32	Public Service Commission	Revenue	149595000	209828000	359423000
33	General Administration Department	Revenue	1228129000	0	1228129000
34	Economic Advice and Statistics	Revenue	340559000	0	340559000
35	Other Expenditure pertaining to General Administration Department	Revenue	282333000	4108000	286441000
		Capital	10880160000	0	10880160000
36	State Legislature	Revenue	358892000	4760000	363652000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	2900000	0	2900000
38	Health and Family Welfare Department	Revenue	130521000	0	130521000
39	Medical and Public Health	Revenue	50403904000	0	50403904000
		Capital	17550359000	0	17550359000
40	Family Welfare	Revenue	13541743000	0	13541743000
		Capital	90000000	0	90000000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue	0	2764000	2764000
		Capital	4500000	0	4500000
42	Home Department	Revenue	178863000	0	178863000
43	Police	Revenue	42212407000	0	42212407000
44	Jails	Revenue	1543089000	0	1543089000
45	State Excise	Revenue	187188000	0	187188000
46	Other Expenditure pertaining to Home Department.	Revenue	3144229000	3501000	3147730000
		Capital	6111123000	0	6111123000
47	Industries and Mines Department.	Revenue	171546000	0	171546000
48	Stationery and Printing	Revenue	696630000	0	696630000
		Capital	88580000	0	88580000
49	Industries	Revenue	29663810000	0	29663810000
		Capital	1148040000	0	1148040000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			□	□	□
1	2	3	4	5	6
50	Mines and Minerals	Revenue	1907163000	0	1907163000
		Capital	15500000	0	15500000
51	Tourism	Revenue	819600000	0	819600000
		Capital	4840000000	0	4840000000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	825680000	0	825680000
		Capital	1267000000	0	1267000000
53	Information and Broadcasting Department	Revenue	18238000	0	18238000
54	Information and Publicity	Revenue	1266478000	0	1266478000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	157540000	0	157540000
		Capital	3000000	0	3000000
56	Labour and Employment Department	Revenue	175542000	0	175542000
57	Labour and Employment	Revenue	12120549000	0	12120549000
		Capital	310000000	0	310000000
58	Other Expenditure Pertaining to Labour and Employment Department	Capital	940000	0	940000
59	Legal Department	Revenue	144505000	0	144505000
60	Administration of Justice	Revenue	9446307000	2145313000	11591620000
61	Other Expenditure pertaining to Legal Department	Revenue	850437000	0	850437000
		Capital	17700000	0	17700000
62	Legislative and Parliamentary Affairs Department	Revenue	74484000	0	74484000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	2000	0	2000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			□	□	□
1	2	3	4	5	6
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	176017000	0	176017000
65	Narmada Development Scheme	Capital	49500000000	0	49500000000
66	Irrigation and Soil Conservation	Revenue	11475733000	0	11475733000
		Capital	38372335000	400000000	38772335000
67	Water Supply	Revenue	1888800000	0	1888800000
		Capital	20079748000	0	20079748000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	Revenue		1100000000	1100000000
		Capital	3500000		3500000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	99967000	0	99967000
70	Community Development	Revenue	22822839000	0	22822839000
71	Rural Housing and Rural Development	Revenue	18712580000	3808400000	22520980000
72	Compensation and Assignments	Revenue	1365019000	0	1365019000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	7030720000	0	7030720000
		Capital	32500000	0	32500000
74	Transport	Revenue	5018380000	0	5018380000
		Capital	6594400000	0	6594400000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	582970000	0	582970000
		Capital	200102000	0	200102000
76	Revenue Department	Revenue	442769000	0	442769000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			□	□	□
1	2	3	4	5	6
77	Tax collection charges(Revenue Department)	Revenue	3051418000	100000	3051518000
78	District Administration	Revenue	5479309000	0	5479309000
79	Relief on account Natural Calamities	Revenue	16998797000	0	16998797000
		Capital	802540000	0	802540000
80	Dangs District	Revenue	527847000	0	527847000
81	Compensation and Assignment	Revenue	2248879000	700000	2249579000
		Capital	300000	200000	500000
82	Other expenditure pertaining to Revenue Department	Revenue	24963000	0	24963000
		Capital	2610000	0	2610000
83	Roads and Building Department	Revenue	210860000	0	210860000
84	Non-Residential Buildings	Revenue	6182702000	9000000	6191702000
		Capital	13988570000	0	13988570000
85	Residential Buildings	Revenue	1929713000	0	1929713000
		Capital	2492060000	0	2492060000
86	Roads and Bridges	Revenue	33515313000	41000000	33556313000
		Capital	28515481000	25000000	28540481000
87	Gujarat Capital Construction Scheme	Revenue	159609000	0	159609000
		Capital	2544100000	900000	2545000000
88	Other expenditures pertaining to Roads and Buildings Department	Revenue	277758000	180000000	457758000
		Capital	52250000	0	52250000
89	Science and Technology Department	Revenue	2861610000	0	2861610000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	2336887000	0	2336887000
		Capital	11503000	0	11503000
91	Social Justice and Empowerment Department	Revenue	79545000	0	79545000
92	Social security and welfare	Revenue	16857638000	22300000	16879938000
		Capital	6221140000	0	6221140000
93	Welfare of Scheduled Tribes	Revenue	4638831000	0	4638831000
		Capital	234229000	0	234229000

Demand No. Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			□	□	□
1	2	3	4	5	6
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	1600000	0	1600000
95	Scheduled Castes Sub Plan	Revenue	38925333000	0	38925333000
		Capital	9935138000	0	9935138000
96	Tribal Area Sub- Plan	Revenue	82928461000	60000000	82988461000
		Capital	44902138000	15000000	44917138000
97	Sports, Youth and Cultural Activities Department	Revenue	71577000	0	71577000
98	Youth Services and Cultural Activities	Revenue	4026453000	0	4026453000
		Capital	711601000	0	711601000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department				
		Capital	606000	0	606000
100	Urban Development and Urban Housing Department	Revenue	58461000	0	58461000
101	Urban Housing	Revenue	10193080000	1795886000	11988966000
102	Urban Development	Revenue	88334167000	0	88334167000
		Capital	6220000000	0	6220000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	1582000000	300000000	1882000000
104	Other expenditure Pertaining to Urban Development and Urban Housing Department	Revenue	3594000	0	3594000
		Capital	600000	0	600000
105	Women and Child Development Department	Revenue	40500000	0	40500000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			□	□	□
1	2	3	4	5	6
106	Other expenditure pertaining to Women and Child Development Department	Revenue	22311203000	9000000	22320203000
		Capital	1134400000	0	1134400000
107	Climate Change Department	Revenue	10070000	0	10070000
108	Other Expenditure pertaining to Climate Change Department	Revenue	1011000000	0	1011000000
		Capital			
	Total Revenue	Revenue	1156210459000	204669853000	1360880312000
	Total Capital	Capital	320999657000	154783802000	475783459000
	Grand Total		1477210116000	359453655000	1836663771000



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd April, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2018.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 5th April, 2018).

AN ACT

Further to amend the Gujarat Police Act, 1951.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Police (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force at once.

2. In the Gujarat Police Act, 1951 (hereinafter referred to as "the principal Act"), in section 2,-

Bom. XXII of 1951.

Amendment of section 2 of Bom. XXII of 1951.

(1) clause (5A) shall be deleted;

(2) in clause (10), the words "and includes any eating house", shall be deleted.

Amendment of section 33 of Bom. XXII of 1951.

3. In the principal Act, in section 33,-

(1) in sub-section (1),-

(i) clause (xa) shall be deleted;

(ii) in clause (y),-

(a) for the words “licence, permission or certificate of registration” occurring at two places, the words “licence or permission” shall be substituted’;

(b) in the first proviso, the words “or a certificate of registration”, shall be deleted;

(C) in the second proviso, the words “or a certificate of registration”, shall be deleted;

(2) in sub-section (1A), for the brackets, word and letters “(wa), (x) and (xa)”, the brackets, word and letters “(wa) and (x)” shall be substituted;

(3) in sub-section (7), the words “or to refuse a certificate of registration for, or to prohibit the keeping of, any eating house, as the case may be” shall be deleted.

**Amendment of
section 131A of
Bom. XXII of
1951.**

4. In the principal Act, in section 131A,-

(1) in sub-section (1), the words “or fails to obtain a certificate of registration, under this Act in respect of any eating house” shall be deleted;

(2) in sub-section (2),-

(i) the words “or the eating house”, shall be deleted;

(ii) the words “or as the case may be, eating house” shall be deleted;

(iii) the words “or a certificate of registration”, shall be deleted;

(3) in the marginal note, the words “or for not obtaining certificate of registration of in respect of eating house” shall be deleted.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd April, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 6th April, 2018).

AN ACT

further to amend the Gujarat Stamp Act, 1958.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Stamp (Amendment) Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Bom.LX of 1958.

2. In the Gujarat Stamp Act, 1958 (hereinafter referred to as "the principal Act"), in section 2, in clause (g), for para (iv), the following para shall be substituted, namely:-

Bom.LX of 1958.

“(iv) every order made by the National Company Law Tribunal under section 232 of the Companies Act, 2013 in respect of a scheme for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies and every order made by the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 in respect of amalgamation or dissolution of Banking companies, or”.

18 of 2013.

10 of 1949.

**Amendment of
section 17 of
Bom.LX of 1958.**

3. In the principal Act, in section 17, for the second proviso, the following proviso shall be substituted, namely:-

“Provided further that the instrument, so far as it relates to an order of,-

- (i) the National Company Law Tribunal under section 232 of the Companies Act, 2013 in respect of a scheme for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies; **18 of 2013.**
- (ii) the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 in respect of amalgamation or dissolution of Banking companies, **10 of 1949.**

shall be stamped within thirty days from the date of such order of the National Company Law Tribunal or, as the case may be, the order of the Reserve Bank of India.”.

**Amendment of
Schedule I to
Bom.LX of 1958.**

4. In the principal Act, in Schedule I,-

(1) in article 7, -

- (i) for the words and figures “under section 97 of the Companies Act, 1956”, the words and figures “under the Companies Act, 2013” shall be substituted; **1 of 1956.
18 of 2013.**
- (ii) in the Exemption, for the words and figures “under section 25 of the Companies Act, 1956”, the words and figures “under section 8 of the Companies Act, 2013” shall be substituted, **1 of 1956.
18 of 2013.**

(2) in article 8,-

**1 of 1956.
18 of 2013.**

- (i) for the words and figures “ under section 97 of the Companies Act, 1956”, the words and figures “under section 64 of the Companies Act, 2013” shall be substituted;
- (ii) in entry (a), for the words and figures “ under section 26 of the Companies Act, 1956”, the words and figures “under section 10 of the Companies Act, 2013” shall be substituted;
- (iii) in the Exemption, for the words and figures “under section 25 of the Companies Act, 1956”, the words and figures “under section 8 of the Companies Act, 2013” shall be substituted,

**1 of 1956.
18 of 2013.**

**1 of 1956.
18 of 2013.**

**1 of 1956.
18 of 2013.**

- (3) in article 12, in the Exemption, for the words and figures “ under section 25 of the Companies Act, 1956”, the words and figures “under section 8 of the Companies Act, 2013” shall be substituted,

1 of 1956.

18 of 2013.

10 of 1949.

- (4) in article 20, -
- (i) in entry (d), for the words and figures “so far as it relates to reconstruction or amalgamation of companies by an order of the High Court under section 394 of the Companies Act, 1956”, the words and figures “so far as it relates to the scheme, for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies by an order of the National Company Law Tribunal under section 232 of the Companies Act, 2013 or for amalgamation or dissolution of Banking Companies by an order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949” shall be substituted;
- (ii) in Explanation III, in clause (a), for the words “order of the High Court” the words “order of the National Company Law Tribunal or, as the case may be, the order of the Reserve Bank of India” shall be substituted,

**1 of 1956.
18 of 2013.**

**1 of 1956.
18 of 2013.**

- (5) in article 35,-
- (i) in entry (a), for the words and figures “ under section 26 of the Companies Act, 1956”, the words and figures “under section 10 of the Companies Act, 2013” shall be substituted;
- (ii) in the Exemption, for the words and figures “ under section 25 of the Companies Act, 1956”, the words and figures “under section 8 of the Companies Act, 2013” shall be substituted,

- (6) in article 44,

- (i) in clause (1), for the words “Instrument of Partnership”, the words “Instruments of any partnership including, Limited Liability Partnership and joint Venture to run a business” shall be substituted;
- (ii) in clause (2),-
- (a) in entry (a), after the words “consequence of increase of the capital of the partnership”, the words “including, Limited Liability Partnership and joint Venture to run a business” shall be inserted;
- (b) in entry (b), after the words “alteration in constitution of the partnership”, the words “including, Limited Liability Partnership and joint Venture to run a business,” shall be inserted,

- (iii) in clause (3), -
 - (a) after the words “Dissolution of”, the words “Partnership or retirement of partner including, Limited Liability Partnership and joint Venture to run a business," shall be inserted;
 - (b) in entry (a), after the words “contribution to partnership”, the words “inclusive of, Limited Liability Partnership and joint Venture to run a business," shall be inserted,
- (7) in article 53, for the words and figures “ under the Companies Act, 1956”, the words and figures “under the Companies Act, 2013” shall be substituted.

1 of 1956.
18 of 2013.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 3rd April, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2018.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 6th April, 2018).

AN ACT

Further to amend the Gujarat Value Added Tax Act, 2003.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows

1. (1) This Act may be called the Gujarat Value Added Tax (Amendment) Act, 2018.

Short title
and
commencement.

(2) It shall come into force at once.

Insertion of
new section
84A in Guj. 1
of 2005.

2. In the Gujarat Value Added Tax Act, 2003, after section 84, the following section shall be deemed to have been inserted with effect from the 1st day of April, 2006, namely:-

Guj.1
of 2005.

Exclusion
of period
in some
cases.

“84A.(1) Notwithstanding anything contained in this Act, an issue on which the Appellate Authority or the Appellate Tribunal or the High Court has given its decision which is prejudicial to the interest of revenue in some other proceedings and an appeal to the Appellate Tribunal or the

High Court or the Supreme Court against such decision of the Appellate Authority or the Appellate Tribunal or the High Court is pending, the period spent between the date of the decision of the Appellate Authority and that of the Appellate Tribunal or the date of decision of the Appellate Tribunal and that of the High Court or the date of the decision of the High Court and that of the Supreme Court shall be excluded in computing the period referred to in section 34 or section 35.

(2) Notwithstanding anything contained in this Act, if any decision or order under section 73 or section 75 involves an issue on which the Revision Authority or Appellate Authority or the High Court has given its decision which is prejudicial to the interest of revenue in some other proceedings and an appeal to the High Court or the Supreme Court against such decision of the Appellate Tribunal or the High Court is pending, the period spent between the date of the decision of the Appellate Tribunal and the date of the decision of the High Court or the date of the decision of the High Court and the date of the decision of the Supreme Court shall be excluded in computing the period of limitation referred to in section 73 or section 75.”



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 4th April, 2018 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 11 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 6th April, 2018).

AN ACT

further to amend the Gujarat Private Universities Act, 2009.

**Guj.8 of
2009.**

WHEREAS the Sarvodaya Kelavani Samaj, Rajkot has applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish a Private University in the State;

AND WHEREAS the said application has been scrutinised by the Scrutiny Committee and on the report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of a Private University;

AND WHEREAS the State Government is satisfied that the sponsoring body has complied with the conditions of Letter of Intent as provided in section 10 of the said Act and has also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institution specified in column 2 of the Schedule as a Private University, by the name and location of the aforesaid sponsoring body as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Gujarat Private Universities (Second Amendment) Act, 2018.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule to Guj.8 of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 27, the following entry shall be inserted, namely:-

Guj.8 of 2009.

Sr. No.	Name and Address of the Private University	Details of Registration and Registration Number	Sponsoring Body
1.	2.	3.	4.
"28.	Atmiya University, "Yogidham Campus", kalawad Road, Rajkot.	Registration under the Gujarat Public Trusts Act, 1950. Registration No: F/28/Rajkot. Date: 10.5.2000.	Sarvodaya kelavani Samaj, Yogidham Gurukul, Kalawad Road, Rajkot- 380005."



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 24th May, 2018.

GUJARAT ORDINANCE NO. 1 OF 2018.

AN ORDINANCE

further to amend the Gujarat Municipalities Act, 1963.

WHEREAS the Legislative Assembly of the State of Gujarat is
not in session;

AND WHEREAS the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take immediate
action to amend the Gujarat Municipalities Act, 1963;

Guj.34 of
1964.

NOW, THEREFORE, in exercise of the powers conferred on
him by clause (1) of article 213 of the Constitution of India, the
Governor of Gujarat is hereby pleased to make and promulgate the
following Ordinance, namely:-

1. Short title and commencement. -(1) This Ordinance may be called the Gujarat Municipalities (Amendment) Ordinance, 2018.

(2) It shall be deemed to have come into force on the 13th April, 2018.

Guj.34 of
1964.

2. Guj. 34 of 1964 to be temporarily amended. - During the period of operation of this Ordinance, the Gujarat Municipalities Act, 1963 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 to 8.

3. Amendment of section 2 of Guj.34 of 1964.- In the principal Act, in section 2,-

(1) in clause (3B), for the words “Director of Municipalities”, the word “Commissioner” shall be substituted;

(2) after clause (3B), the following clause shall be inserted, namely:-

“(3C) “Commissioner” means the Commissioner of Municipalities Administration appointed by the State Government under section 46A;” ;

(3) clause (6) shall be deleted;

(4) after clause (23), the following clauses shall be inserted, namely:-

“(23A) “region” means a region as may be constituted under sub-section (2) of section 46C;

(23B) “Regional Commissioner” means Regional Commissioner of Municipalities appointed by the State Government under sub-section (1) of section 46C;”.

4. Insertion of new sections 46A, 46B and 46C in Guj.34 of 1964.-

In the principal Act, in Chapter III, after the sub-head (2), the following sub-head and sections shall be inserted, namely:-

“(2A) *Officers of Municipalities Administration*

**Appointment of
Commissioner of
Municipalities
Administration and
his powers and
functions.**

46A. For carrying out the purposes of this Act, the State Government may, by notification, appoint an officer to be called the Commissioner of Municipalities Administration who shall, subject to control of the State Government and subject to such general or special orders as the State Government may from time to time make, exercise such powers and perform such functions and duties as are conferred or imposed upon by or under the provisions of this Act.

**Appointment of
Additional
Commissioner
and his powers
and functions.**

46B. (1) The State Government may, by notification appoint an officer to be called the Additional Commissioner of Municipalities.

(2) The Additional Commissioner shall exercise such powers and perform such functions and duties as may be conferred or assigned to him/her by the Commissioner.

**Appointment of
Regional
Commissioner, his
powers and
functions, and
constitution of
Region.**

46C. (1) The State Government may, by notification, appoint an officer to be called the Regional Commissioner of Municipalities for each region constituted under sub-section (2).

(2) The State Government may, by notification in the *Official Gazette*, constitute as many regions as it deems fit, consisting of such municipalities in such districts as may be specified in the notification.

(3) The Regional Commissioner shall exercise such powers and perform such functions and duties as may be conferred or imposed upon him by or under this Act.”.

5. Amendment of certain sections of Guj.34 of 1964.-In the principal Act,-

(1)(a) in sub-section (2) of section 47, in the Table below sub-section (4) of section 48, in sub-section (2) of section 49, in sub-section (1) of

section 50, in sub-sections (3) and (8) of section 54, in section 82, in sub-section (3) of section 108, in sections 120, 131 and 210, in sub-section (2) of section 219, in sub-section (1) of section 220, in sections 260 and 262, in sub-section (2) of section 263 and section 278A, for the word “Director” wherever it occurs, the word “Commissioner” shall be substituted;

(b) in section 99A, in sub-section (2), for the words “ Director of Municipalities”, the word “Commissioner” shall be substituted;

(c) in section 257, in sub-section (1), for the words “Director, Collector”, the words “the Commissioner, Regional Commissioner” shall be substituted;

(2) in sub-section (4) of section 134, in sub-section (2) of section 257 and in section 258, for the word “Collector” wherever it occurs, the words “Regional Commissioner” shall be substituted; in sub-section (1) of section 49 after the word “Collector” the word “Regional Commissioner “ shall be added. In sub- section (2) of section 51 the word “who” shall be substituted by “and the Regional Commissioner. The Regional Commissioner”

(3) in section 258,-

(1) in sub-section (2), for the words, “State Government” the word “Commissioner” shall be substituted;

(2) in sub-section (3),-

(i) after the word “municipality” occurring at two places, the words “or any aggrieved person” shall be inserted;

(ii) for the words “State Government” occurring at three places, the word “Commissioner” shall be substituted.

6. *Amendment of section 257 of Guj.34 of 1964.*-In the principal Act, in section 257, for sub-section (3) , the following sub-section shall be substituted, namely:-

“(3) The Commissioner may, delegate any of its powers exercisable by him/her under this section to any officer subordinate to him/her subject to such terms and conditions or restrictions, if any, as may be specified in such order.”.

7. *Amendment of section 278A of Guj. 34 of 1964.*- In the principal Act, section 278A shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

“(2) The Commissioner may, with the prior approval of the State Government, by an order in writing, delegate any of its powers exercisable by him under this Act to any officer subordinate to him subject to such terms and conditions, if any, as may be specified in such order.”.

8. *Saving.* Any appointment made, notification or order issued or any action taken by the State Government or any officer under the principal Act as amended by the Gujarat Municipalities (Amendment) Ordinance, 2018 shall be deemed to have been made, issued or taken under the principal Act as amended by this Ordinance.

STATEMENT

The State Government has enacted the Gujarat Municipalities Act, 1963 for the administration and management of municipal affairs of the municipalities in the State. When the said Act came into force, there were about 52 Municipalities in the State. However, with the increase in population, the number of municipalities in the State stands increased to 162 as on date.

In the recent years, the activities undertaken by the municipalities have expanded manifold. As a result of the different projects such as Atal Mission For Rejuvenation and Urban Transformation (AMRUT), Affordable Housing, *Swachchh Bharat Mission* and Swarnim Jayanti Mukhyamantri Shehari Vikas Yojana having been initiated by Government of India and the State Government as also because of the increase in the population and urbanization, the municipalities are required to be more result oriented to meet the growing aspirations of citizens.

However, it appears that the municipalities, with the present number of the officers at its disposal find it difficult to cope up with the increased functions and responsibilities. As such the creation of high level posts for the speedy administration and management of the municipalities has become necessary. The State Government has, therefore, thought it fit to create a new post of Commissioner of Municipalities Administration in place of the Director of Municipalities. The State Government has also decided to create a new post of Additional Commissioner who shall assist the Commissioner for smooth functioning of Commissionerate. The State Government has further decided to constitute such number of regions consisting of such districts which shall be headed by the Regional Commissioner who shall be vested with certain powers which are presently vested in the Collector under the Act.

It is, therefore, considered necessary to amend the relevant provisions of the said Act accordingly to achieve the objects.

As the Legislative Assembly of the State of Gujarat is not in session, the Gujarat Municipalities (Amendment) Ordinance, 2018 is promulgated to achieve the aforesaid objects.

Gandhinagar,

Date: 24th May, 2018.

O. P. KOHLI,

Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

MUKESH PURI,

Principal Secretary to Government.



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The Gujarat Government Gazette

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 30th June, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 2018.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 10th July, 2018).

AN ACT

further to amend the Gujarat Agricultural Lands Ceiling Act, 1960.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Agricultural Lands Ceiling (Amendment) Act, 2015. **Short title.**

Guj. XXVII of 1961.

2. In the Gujarat Agricultural Lands Ceiling Act, 1960 (hereinafter referred to as "the principal Act"), in the preamble, after the words "for Amendment to preamble of Guj. XXVII of 1961."

ensuring the full and efficient use thereof, the words "or for the allotment for industrial purpose or for the development thereof or for any public purpose" shall be inserted.

**Amendment
of section 29
of Guj. XXVII
of 1961.**

3. In the principal Act, in section 29,-

(1) in sub-section (1), -

(i) after the words "occupancy price payable therefor", the words "in so far as clauses (ii), (iii) and (iv) are concerned," shall be inserted;

(ii) after clause (iv), the following clauses shall be added, namely:-

"(v) any urban local body, for public purpose, when the land is situated within the areas of such local body;

(vi) any person, for industrial purpose or for the purpose of development thereof, when the land is situated outside the areas of the urban local body:";

(2) to sub-section (3), the following proviso shall be inserted, namely:-

"Provided that nothing in this sub-section shall apply in case where the land is allotted either under clause (v) or clause (vi) of sub-section (1).";

(3) after sub-section (3), the following sub-sections shall be added, namely:-

"(4) Where any urban local body is allotted any land in pursuance of clause (v) of sub-section (1) of this section, such urban local body shall further allot such land for any public purpose in the manner and subject to such conditions as may be prescribed.

(5) Before any land is allotted to a person under clause (vi) of sub-section (1), such person, if he is an agriculturist or not, shall, in *lieu* of the land to be allotted to him, make available equivalent quantum of agricultural land in the nearby vicinity in the manner and subject to such conditions as may be prescribed, to the State Government, which shall vest in the State Government free from all encumbrances.

(6) The land so vested in the State Government under sub-section (5), shall be deemed to have been vested under section 21 or 26, under which the land to be allotted was originally vested in the State Government, as the case may be.

4. In the principal Act, after section 30, the following section shall be inserted, namely:-

**Insertion of
new section
30A in Guj.
XXVII of 1961.**

**Land allotted to
urban local
body or any
person shall be
of old tenure.**

"30A. Notwithstanding anything contained in section 30, any land allotted either under clause (v) or (vi) of sub-section (1) of section 29, to any urban local body or any person respectively shall be of old tenure." .



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 30th June, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 2018.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 11th July, 2018).

AN ACT

further to amend the Gujarat Agricultural Lands Ceiling (Amendment)
Bill, 2015.

It is hereby enacted in the Sixty-eighth year of the Republic of
India as follows:-

1. (1) This Act may be called the Gujarat Agricultural Lands Ceiling (Amendment) Bill (Amending) Act, 2017. **Short title and commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of clause 3 of Guj. Bill No. 28 of 2015. 2. In the Gujarat Agricultural Lands Ceiling (Amendment) Bill, 2015, in clause 3, in sub-clause (3), for sub-section (5) proposed to be inserted in section 29 of the Gujarat Agricultural Lands Ceiling Act, 1960, the following sub-section shall be substituted, namely:-

“(5) Before any land is allotted to a person under clause (vi) of sub-section (1), such person, if he is an agriculturist or not, shall, in *lieu* of the land to be allotted to him, make available equivalent quantum of agricultural land of the same class in the nearby vicinity in the manner and subject to such conditions as may be prescribed, to the State Government, which shall vest in the State Government free from all encumbrances.”.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th October, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 2018.

(First published, after having received the assent of the Governor, in the
"Gujarat Government Gazette", on the 8th October, 2018).

AN ACT

further to amend the Gujarat Goods and Services Tax Act, 2017

It is hereby enacted in the Sixty-ninth year of the Republic of
India as follows:-

1. (1) This Act may be called the Gujarat Goods and Services Tax (Amendment) Act, 2018. **Short title and commencement.**
- (2) It shall come into force on such date as the Government may, by notification in the *Official Gazette*, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Amendment of section 2 of Guj. 25 of 2017. **2.** In the Gujarat Goods and Services Tax Act, 2017 (hereinafter referred to as “the principal Act”), in section 2,— **Guj. 25 of 2017.**

- (1) in clause (4), for the words “the Appellate Authority and the Appellate Tribunal”, the words, brackets and figures “the Appellate Authority, the Appellate Tribunal and the Authority referred to in sub-section (2) of section 171” shall be substituted;
- (2) in clause (16), for the words “Central Board of Excise and Customs”, the words “Central Board of Indirect Taxes and Customs” shall be substituted;
- (3) in clause (17), for sub-clause (h), the following sub-clause shall be substituted, namely:-
“(h) activities of a race club including by way of totalisator or a license to book maker or activities of a licensed book maker in such club; and”;
- (4) clause (18) shall be omitted;
- (5) in clause (35), for the word, brackets and letter “clause (c)”, the word, brackets and letter “clause (b)” shall be substituted;
- (6) in clause (69), in sub-clause (f), after the word and figures “article 371”, the words, figures and letter “and article 371J” shall be inserted;
- (7) in clause (102), the following *Explanation* shall be inserted, namely:—

“Explanation.—For the removal of doubts, it is hereby clarified that the expression “services” includes facilitating or arranging transactions in securities;”.

Amendment of section 7 of Guj. 25 of 2017. **3.** In the principal Act, in section 7, with effect from the 1st day of July, 2017,—

- (1) in sub-section (1), —
 - (a) in clause (b), after the words “or furtherance of business;”, the word “and” shall be inserted and shall always be deemed to have been inserted;

- (b) in clause (c), after the words “a consideration”, the word “and” shall be omitted and shall always be deemed to have been omitted;
 - (c) clause (d) shall be omitted and shall always be deemed to have been omitted;
 - (2) after sub-section (1), the following sub-section shall be inserted and shall always be deemed to have been inserted, namely:-
 - “(1A) where certain activities or transactions, constitute a supply in accordance with the provisions of sub-section (1), they shall be treated either as supply of goods or supply of services as referred to in Schedule II.”;
 - (3) in sub-section (3), for the words, brackets and figures “sub-sections (1) and (2)”, the words, brackets, figures and letter “sub-sections (1), (1A) and (2)” shall be substituted.
4. In the principal Act, in section 9, for sub-section (4), the following sub-section shall be substituted, namely:-
- “(4) The Government may, on the recommendations of the Council, by notification, specify a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both.”.
5. In the principal Act, in section 10,—
- (1) in sub-section (1) —
 - (a) for the words “in lieu of the tax payable by him, an amount calculated at such rate”, the words, brackets and figures “in lieu of the tax payable by him under sub-section (1) of section 9, an amount of tax calculated at such rate” shall be substituted;
 - (b) in the proviso, for the words “one crore rupees, as may be recommended by the Council.”, the words “one crore and fifty lakh rupees as may be recommended by the Council.” shall be substituted;
- Amendment of section 9 of Guj. 25 of 2017.**
- Amendment of section 10 of Guj. 25 of 2017.**

(c) after the proviso, the following proviso shall be inserted, namely:-

“Provided further that a person who opts to pay tax under clause (a) or clause (b) or clause (c) may supply services (other than those referred to in clause (b) of paragraph 6 of Schedule II), of value not exceeding ten per cent. of turnover in the State in the preceding financial year or five lakh rupees, whichever is higher.”;

(2) in sub-section (2), for clause (a), the following clause shall be substituted, namely:-

“(a) save as provided in sub-section (1), he is not engaged in the supply of services;”.

Amendment of section 12 of Guj. 25 of 2017.

6. In the principal Act, in section 12, in sub-section (2), in clause (a), the words, brackets and figure “sub-section (1) of” shall be omitted.

Amendment of section 13 of Guj. 25 of 2017.

7. In the principal Act, in section 13, in sub-section (2), the words, brackets and figure “sub-section (2) of” occurring at both the places, shall be omitted.

Amendment of section 16 of Guj. 25 of 2017.

8. In the principal Act, in section 16, in sub-section (2),-

(1) in clause (b), for the Explanation, the following Explanation shall be substituted, namely:-

“**Explanation.**—For the purposes of this clause, it shall be deemed that the registered person has received the goods or, as the case may be, services-

(i) where the goods are delivered by the supplier to a recipient or any other person on the direction of such registered person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to goods or otherwise;

(ii) where the services are provided by the supplier to any person on the direction of and on account of such registered person.”;

(2) in clause (c), for the word and figures “section 41”, the words, figures and letter “section 41 or section 43A” shall be substituted.

9. In the principal Act, in section 17,-

- (1) in sub-section (3), the following Explanation shall be inserted, namely:-

Amendment
of section 17
of Guj. 25 of
2017.

“Explanation.—For the purposes of this sub-section, the expression ‘value of exempt supply’ shall not include the value of activities or transactions specified in Schedule III, except those specified in paragraph 5 of the said Schedule.”;

- (2) in sub-section (5), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) motor vehicles for transportation of persons having approved seating capacity of not more than thirteen persons (including the driver), except when they are used for making the following taxable supplies, namely:-

- (A) further supply of such motor vehicles; or
- (B) transportation of passengers; or
- (C) imparting training on driving such motor vehicles;

(aa) vessels and aircraft except when they are used-

- (i) for making the following taxable supplies, namely:-

- (A) further supply of such vessels or aircraft; or
- (B) transportation of passengers; or
- (C) imparting training on navigating such vessels; or
- (D) imparting training on flying such aircraft;

- (ii) for transportation of goods;

(ab) services of general insurance, servicing, repair and maintenance in so far as they relate to motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa):

Provided that the input tax credit in respect of such services shall be available—

- (i) where the motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) are used for the purposes specified therein;

- (ii) where received by a taxable person engaged-

- (I) in the manufacture of such motor vehicles, vessels or aircraft; or
- (II) in the supply of general insurance services in respect of such motor vehicles, vessels or aircraft insured by him;

- (b) the following supply of goods or services or both-
- (i) food and beverages, outdoor catering, beauty treatment, health services, cosmetic and plastic surgery, leasing, renting or hiring of motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) except when used for the purposes specified therein, life insurance and health insurance:

Provided that the input tax credit in respect of such goods or services or both shall be available where an inward supply of such goods or services or both is used by a registered person for making an outward taxable supply of the same category of goods or services or both or as an element of a taxable composite or mixed supply;

- (ii) membership of a club, health and fitness centre; and
- (iii) travel benefits extended to employees on vacation such as leave or home travel concession:

Provided that the input tax credit in respect of such goods or services or both shall be available, where it is obligatory for an employer to provide to its employees under any law for the time being in force.”.

Amendment of section 20 of Guj. 25 of 2017. **10.** In the principal Act, in section 20, in the Explanation, in clause (c), for the words and figures “under entry 84,”, the words, figures and letter “under entries 84 and 92A” shall be substituted.

Amendment of section 22 of Guj. 25 of 2017. **11.** In the principal Act, in section 22,—

(1) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:-

“Provided further that where such person makes taxable supplies of goods or services or both from a special category State in respect of which the Central Government has enhanced the aggregate turnover referred to in the first proviso, he shall be liable to be registered if his aggregate turnover in a financial year exceeds the amount equivalent to such enhanced turnover.”;

- (2) in the Explanation, in clause (iii), after the word “Constitution”, the words “except the State of Jammu and Kashmir and States of Arunachal Pradesh, Assam, Himachal Pradesh, Meghalaya, Sikkim and Uttarakhand” shall be inserted.”.

- 12.** In the principal Act, in section 24, in clause (x), after the words “commerce operator”, the words and figures “who is required to collect tax at source under section 52” shall be inserted. **Amendment of section 24 of Guj. 25 of 2017.**

- 13.** In the principal Act, in section 25,—
 (1) in sub-section (1), after the proviso and before the Explanation, the following proviso shall be inserted, namely:- **Amendment of section 25 of Guj. 25 of 2017.**

28 of 2005. “Provided further that a person having a unit, as defined in the Special Economic Zones Act, 2005, in a Special Economic Zone or being a Special Economic Zone developer shall have to apply for a separate registration, as distinct from his place of business located outside the Special Economic Zone in the State.”;

- (2) in sub-section (2), for the existing proviso, the following proviso shall be substituted, namely:-

"Provided that a person having multiple places of business in the State may be granted a separate registration for each such place of business, subject to such conditions as may be prescribed."

- 14.** In the principal Act, in section 29,—
 (1) in the heading after the word “Cancellation”, the words “or suspension” shall be inserted; **Amendment of section 29 of Guj. 25 of 2017.**

- (2) to sub-section (1), the following proviso shall be inserted, namely:-

“Provided that during pendency of the proceedings relating to cancellation of registration filed by the registered person, the registration may be suspended for such period and in such manner as may be prescribed.”;

- (3) in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:-

“Provided further that during pendency of the proceedings relating to cancellation of registration, the proper officer may suspend the registration for such period and in such manner as may be prescribed.”.

**Amendment
of section 34
of Guj. 25 of
2017.**

15.

In the principal Act, in section 34,-

(1) in sub-section (1),-

(a) for the words “Where a tax invoice has”, the words “Where one or more tax invoices have” shall be substituted;

(b) for the words “a credit note”, the words “one or more credit notes for supplies made in a financial year” shall be substituted;

(2) in sub-section (3),-

(a) for the words “Where a tax invoice has”, the words “Where one or more tax invoices have” shall be substituted;

(b) for the words “a debit note”, the words “one or more debit notes for supplies made in a financial year” shall be substituted.

**Amendment
of section 35
of Guj. 25 of
2017.**

16.

In the principal Act, in section 35, in sub-section (5), the following proviso shall be inserted, namely:-

“Provided that nothing contained in this sub-section shall apply to any department of the Central Government or a State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force.”.

**Amendment
of section 39
of Guj. 25 of
2017.**

17.

In the principal Act, in section 39,-

(1) in sub-section (1),-

(a) for the words “in such form and manner as may be prescribed”, the words “in such form, manner and within such time as may be prescribed” shall be substituted;

(b) the words “on or before the twentieth day of the month succeeding such calendar month or part thereof.” shall be omitted;

(c) the following proviso shall be inserted, namely:-

“Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall furnish return for every quarter or part thereof, subject to such conditions and safeguards as may be specified therein.”;

- (2) in sub-section (7), the following proviso shall be inserted, namely:-

“Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall pay to the Government the tax due or part thereof as per the return on or before the last date on which he is required to furnish such return, subject to such conditions and safeguards as may be specified therein.”;

- (3) in sub-section (9),-

(a) for the words “in the return to be furnished for the month or quarter during which such omission or incorrect particulars are noticed”, the words “in such form and manner as may be prescribed” shall be substituted;

(b) in the proviso, for the words “the end of the financial year”, the words “the end of the financial year to which such details pertain” shall be substituted.

- 18.** After section 43 of the principal Act, the following section shall be inserted, namely:—
- Procedure for furnishing return and availing input tax credit.**
- “43A.** (1) Notwithstanding anything contained in sub-section (2) of section 16, section 37 or section 38, every registered person shall in the returns furnished under sub-section (1) of section 39 verify, validate, modify or delete the details of supplies furnished by the suppliers.
- (2) Notwithstanding anything contained in section 41, section 42 or section 43, the procedure for availing of input tax credit by the recipient and verification thereof shall be such as may be prescribed.
- (3) The procedure for furnishing the details of outward supplies by the supplier on the common portal, for the purposes of availing input tax credit by the recipient shall be such as may be prescribed.

Insertion of new section 43A in Guj. 25 of 2017.

- (4) The procedure for availing input tax credit in respect of outward supplies not furnished under sub-section (3) shall be such as may be prescribed and such procedure may include the maximum amount of the input tax credit which can be so availed, not exceeding twenty per cent. of the input tax credit available, on the basis of details furnished by the suppliers under the said sub-section.
- (5) The amount of tax specified in the outward supplies for which the details have been furnished by the supplier under sub-section (3) shall be deemed to be the tax payable by him under the provisions of the Act.
- (6) The supplier and the recipient of a supply shall be jointly and severally liable to pay tax or to pay the input tax credit availed, as the case may be, in relation to outward supplies for which the details have been furnished under sub-section (3) or sub-section (4) but return thereof has not been furnished.
- (7) For the purposes of sub-section (6), the recovery shall be made in such manner as may be prescribed and such procedure may provide for non-recovery of an amount of tax or input tax credit wrongly availed not exceeding one thousand rupees.
- (8) The procedure, safeguards and threshold of the tax amount in relation to outward supplies, the details of which can be furnished under sub-section (3) by a registered person,-
 - (a) within six months of taking registration;
 - (b) who has defaulted in payment of tax and where such default has continued for more than two months from the due date of payment of such defaulted amount, shall be such as may be prescribed.”.

**Amendment
of section 48
of Guj. 25 of
2017.**

19. In the principal Act, in section 48, in sub-section (2), after the word and figures “section 45”, the words “and to perform such other functions” shall be inserted.

- 20.** In the principal Act, in section 49,-
- (1) in sub-section (2), for the word and figures “section 41”, the words, figures and letter “section 41 or section 43A” shall be substituted;
- (2) in sub-section (5),-
- (a) in clause (c), the following proviso shall be inserted, namely:-
- “Provided that the input tax credit on account of State tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;”;
- (b) in clause (d), the following proviso shall be inserted, namely:-
- “Provided that the input tax credit on account of Union territory tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;”.
- 21.** In the principal Act, after section 49, the following sections shall be inserted, namely:-
- Utilisation of input tax credit subject to certain conditions.** **“49A.** Notwithstanding anything contained in section 49, the input tax credit on account of State tax shall be utilised towards payment of integrated tax or State tax, as the case may be, only after the input tax credit available on account of integrated tax has first been utilised fully towards such payment.”.
- Order of Utilisation of input tax credit** **49B.** Notwithstanding anything contained in this Chapter and subject to the provisions of clause (e) and clause (f) of sub-section (5) of section 49, the Government may, on the recommendations of the Council, prescribe the order and manner of utilisation of the input tax credit on account of integrated tax, central tax, State tax or Union territory tax, as the case may be, towards payment of any such tax.”.
- 22.** In the principal Act, in section 52, in sub-section (9), for the word and figures “section 37”, the words and figures “section 37 or section 39” shall be substituted.

Amendment of section 49 of Guj. 25 of 2017.

Insertion of new sections 49A and section 49B in Guj. 25 of 2017.

Amendment of section 52 of Guj. 25 of 2017.

- Amendment of section 54 of Guj. 25 of 2017.** **23.** In the principal Act, in section 54,-
(1) in sub-section (8), in clause (a), for the words “zero-rated supplies”, the words “export” and “exports” shall respectively be substituted;
(2) in the Explanation, in clause (2),—
(a) in sub-clause (c), in item (i), after the words “foreign exchange”, the words “or in Indian rupees wherever permitted by the Reserve Bank of India” shall be inserted;
(b) for sub-clause (e), the following sub-clause shall be substituted, namely:-
“(e) in the case of refund of unutilised input tax credit under clause (ii) of the first proviso to sub-section (3), the due date for furnishing of return under section 39 for the period in which such claim for refund arises;”.
- Amendment of section 79 of Guj. 25 of 2017.** **24.** In the Principal Act, in section 79, after sub-section (4), the following Explanation shall be inserted, namely:—
‘Explanation.—For the purposes of this section, the word person shall include “distinct persons” as referred to in sub-section (4) or, as the case may be, sub-section (5) of section 25.’.
- Amendment of section 107 of Guj. 25 of 2017.** **25.** In section 107 of the principal Act, in sub-section (6), in clause (b), after the words “arising from the said order,”, the words “subject to a maximum of twenty-five crore rupees,” shall be inserted.
- Amendment of section 112 of Guj. 25 of 2017.** **26.** In the principal Act, in section 112, in sub-section (8), in clause (b), after the words “arising from the said order,” the words “subject to a maximum of fifty crore rupees,” shall be inserted.
- Amendment of section 129 of Guj. 25 of 2017.** **27.** In the principal Act, in section 129, in sub-section (6), for the words “seven days” occurring at both the places, the words “fourteen days” shall be substituted.
- Amendment of section 143 of Guj. 25 of 2017.** **28.** In the principal Act, in section 143, in sub-section (1), in clause (b), after the existing proviso, the following proviso shall be inserted, namely:-
“Provided further that the period of one year and three years may, on sufficient cause being shown, be extended by the Commissioner for a further period not exceeding one year and two years respectively.”.

29. In the principal Act, in Schedule I, in paragraph 4, for the words “taxable person”, the word “person” shall be substituted. **Amendment in Schedule I to Guj. 25 of 2017.**
30. In the principal Act, in Schedule II, in the heading, after the word “ACTIVITIES”, the words “OR TRANSACTIONS” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017. **Amendment in Schedule II to Guj. 25 of 2017.**
31. In the principal Act, in Schedule III, — **Amendment in Schedule III to Guj. 25 of 2017.**
- (1) after paragraph 6, the following paragraphs shall be inserted, namely:-
- “7. Supply of goods from a place outside India to another place outside India without such goods entering into India.
8. (a) Supply of warehoused goods to any person before clearance for home consumption;
- (b) Supply of goods by the consignee to any other person, by endorsement of documents of title to the goods, after the goods have been dispatched from the port of origin located outside India but before clearance for home consumption.”;
- (2) The Explanation shall be numbered as Explanation 1 and after Explanation 1 as so numbered, the following Explanation shall be inserted, namely:-
- “**Explanation** 2.—For the purposes of paragraph 8, the expression “warehoused goods” shall have the same meaning as assigned to it in the Customs Act, 1962.”.

52 of 1962.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 5th October, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2018.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 8th October, 2018).

AN ACT

further to amend the Gujarat Secondary and Higher Secondary
Education Act, 1972.

It is hereby enacted in the Sixty-ninth year of the Republic of
India as follows:-

1. (1) This Act may be called the Gujarat Secondary and Higher Secondary Education (Amendment) Act, 2018. **Short title and commencement.**
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section 42
of Guj.18
of 1973.**

2. In the Gujarat Secondary and Higher Secondary Education Act, 1972, **Guj.18 of 1973.**
(hereinafter referred to as the“principal Act”), in section 42,-

(i) the words, brackets and figures “or fails to comply with any direction issued by the Tribunal under sub-section (9) of section 39,” shall be deleted;

(ii) for the words “one hundred” and “one thousand”, the words “one lakh” and “two lakhs” shall be substituted, respectively.

**Amendment of
section 43 of
Guj.18 of 1973.**

3. In the principal Act, in section 43, in sub-section (4), for the words “which may extends to two years or with fine which may extend to two hundred rupees”, the words “which shall not be less than three years but which may extend to five years or with fine which may extend to rupees two lakhs” shall be substituted.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th October, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2018.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 8th October, 2018).

AN ACT

*to provide for establishment and incorporation of Biotechnology
University in the State of Gujarat and the matters connected therewith
and incidental thereto.*

It is hereby enacted in the Sixty-ninth year of the Republic of
India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Biotechnology University Act, **Short title and
2018. commencement.**

(2) It shall come into force on such date as the State Government may,
by notification in the *Official Gazette*, appoint.

Definitions.**2.** In this Act, unless the context otherwise requires: -

- (i) "Academic Council" means the Academic Council of the University constituted under section 15;
- (ii) "Advisory Council" means the advisory council of the University constituted under section 17;
- (iii) "Board" means the Board of Governors of the University constituted under section 12;
- (iv) "Chairman" means the Chairman of the University appointed under section 10;
- (v) "Competent Authority" means any person who is legally delegated or invested authority or power to perform designated functions in relation with the affairs of the University;
- (vi) "Dean" means the Deans of the University appointed under section 26;
- (vii) "Director" mean the Directors of the University, or of the Institutes or of the schools or of the Centers of the University appointed under section 25;
- (viii) "Director General" means the Director General of the University appointed under section 21;
- (ix) "Finance Committee" means the Finance Committee of the University constituted under section 19;
- (x) "prescribed" means prescribed by regulations;
- (xi) "Registrar" means the Registrar of the University appointed under section 24;
- (xii) "Regulations" means the regulations of the University made under section 38;
- (xiii) "State Government" means the Government of Gujarat;
- (xiv) "Student of the University" means a person enrolled in the University for studying for a degree, diploma or other academic distinction under the provisions of this Act;
- (xv) "University" means the Gujarat Biotechnology University established and incorporated under the provisions of this Act;

CHAPTER II**THE UNIVERSITY****Establishment and
incorporation of
University.**

3. (1) There shall be established a University by the name of the "Gujarat Biotechnology University".

(2) The Chairman, Director General, the Board, the Academic Council, the Advisory Council, the Directors, the Deans, the Registrar and all other persons who may hereafter become such officers or members thereof so long as they continue to hold such office or membership, hereby constitute a body corporate by the name of the "Gujarat Biotechnology University".

(3) The University shall be a body corporate by the name as aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold and dispose of property, to contract and shall, by the said name sue or be sued.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and be served on, the Registrar.

(5) The University shall be competent to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act:

Provided that the, power to raise any such loan shall be exercised after obtaining the previous permission of the State Government.

4. The headquarters of the university shall be at such place as the State Government may, by notification in the *Official Gazette*, specify. **Headquarters of University.**

5. The University shall be deemed to be established and incorporated for the following objects, namely: **Objects of University.**

- (i) to create schools, centers and institutions of excellence for imparting State of the art product focused, research based, education and skill in the field of biotechnology and allied sciences;
- (ii) to create capabilities for developing world-class infrastructure, intellectual property base and skill sets for education, training, research, product development and technology commercialization in biotechnology and allied sciences;
- (iii) to develop innovative methods for applied and translational research, teaching and skill at various levels of educational accomplishment so as to set high standards of practice based education in biotechnology and allied sciences;
- (iv) to address the societal challenges of the State and the nation and to develop linkages with institutions of national and global repute and to create templates and models of collaboration for interdisciplinary study and research to solve developmental problems using the tools and techniques of biotechnology and allied sciences;
- (v) to create a platform for developing industry linkages delivering research solutions to society by catalyzing translational opportunities;
- (vi) to function as a leading resource center for knowledge and development in the areas of biotechnology and allied sciences;
- (vii) such other objects, not inconsistent with the provisions of this Act which the State Government may, on application by the University, by notification in the *Official Gazette*, specify in this behalf.

University open to all
irrespective of sex,
religion, class, creed,
nationality or
opinion.

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, nationality, place of birth, religious belief or political or other opinion or any of them.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, nationality, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or, a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

(3) No bequest, donation or transfer of any property shall be accepted by University which in the opinion of the Board, involves conditions or obligations opposed to the spirit and objects of the University.

Powers and
functions of
University.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely: -

- (i) to administer and manage the University and to establish such institutes, schools and centers for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in areas and subjects pertaining to biotechnology and allied sciences;
- (iii) to develop innovative methods in teaching, research and development, and training in order to achieve international standards of such education, training, research and development;
- (iv) to prescribe courses and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;
- (v) to hold examinations and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner as may be prescribed;
- (vi) to confer honorary degrees or other distinctions in the manner as may be prescribed;
- (vii) to establish such special centres, schools, specialized study centres or other units for research and development as are, in

the opinion of the University, necessary for the furtherance of its objects;

- (viii) to provide for printing, reproduction and publication of research and other work and to organize exhibitions, workshops, seminars, conferences, etc.;
- (ix) to sponsor, obtain sponsorship and undertake research in all aspects of biotechnology and allied sciences;
- (x) to collaborate or associate with any educational or other institution with like or similar functions or activities;
- (xi) to develop and maintain linkages with educational or other institutions in any part of the world having functions or activities wholly or partially similar to those of the University, through exchange of teachers, students and scholars and generally in such manner as may be conducive to their common objects;
- (xii) to regulate the expenditure, manage the finances and to maintain accounts of the University;
- (xiii) to receive grants, subventions, subscriptions, donations and gifts for the purposes of the University and consistent with the objects for which the University is established and to enter into any agreement with the Central Government, the State Government, the University Grants Commission or other authorities or bodies for receiving any grants;
- (xiv) to receive funds from the industries or from any other sources as gifts, donations, benefactions or bequests and by transfers of movable and immovable properties for the purposes and objects of the University;
- (xv) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculties, officers and employees of the University and the guest houses;
- (xvi) to supervise and control the residences and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such buildings or works;

- (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University after taking prior permission of the State Government;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate Government promissory notes and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow moneys on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of moneys, to repay and redeem any money borrowed after taking prior permission of the State Government;
- (xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyance in respect of the property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University after taking prior permission of the State Government;
- (xxv) to admit the students for the courses offered by the University in the prescribed manner;
- (xxvi) to create academic; technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxviii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, endowed professorship, honorary professorships, adjunct professorships, emeritus professors and any other teaching, academic or research posts and to prescribe qualifications for them;
- (xxix) to appoint persons as Directors, Deans, Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Adjunct Professors, Registrar, or otherwise as teachers, researchers and other categories of employees as decided by the competent authority;

- (xxx) to develop and maintain relationships with teachers, researchers and experts in the domains of development of technologies related to Biological Sciences or involving Biological Sciences for achieving the objects of the University;
- (xxxi) to enter into partnerships, agreements, arrangements, service delivery agreements with other national or international Universities or Institutes of repute for faculty exchange or for collaborative research or, for service agreement for academic instructions as service for knowledge, skill development, research and innovation subject to prior approval of the Government of Gujarat;
- (xxxii) to enter in to partnerships, agreements, arrangements, service delivery agreements with industry or corporations for sponsored or contract research, and for commercialization and further development of technologies subject to such intellectual property sharing arrangements as may be prescribed by general or special regulations by the Board;
- (xxxiii) to set up and operate, or acquire on rental basis or through lease infrastructure and research and development related facilities for the needs of the students and the faculties for the furtherance of the objectives of the University;
- (xxxiv) to set up and operate incubation centers for startups, technology development cell, research park providing colocation research and development facilities for industry and corporations and other institutes;
- (xxxv) to setup and operate animal houses, green houses, plant herbaria, veterinary and medical facilities, bio-banking, gene banking, biosafety facilities, and other incidental facilities to support high tech biotechnology translational and product focused education and research;
- (xxxvi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

CHAPTER III

AUTHORITIES AND OFFICERS OF UNIVERSITY

**Authorities of
the University.**

- 8.** The following shall be the authorities of the University, namely: -
- (i) the Chairman;
 - (ii) the Board of Governors;
 - (iii) the Academic Council;
 - (iv) the Advisory Council;
 - (v) the Finance Committee; and

(vi) such other authorities as may be specified by regulations to be the authorities of the University.

Officers of the University.

9. The following shall be the officers of the University, namely: -

- (i) the Director General
- (ii) the Directors
- (iii) the Deans
- (iv) the Registrar, and
- (v) such other persons associated with the functions of the University as may be specified by regulations, to be the officers of the University.

Chairman.

10. (1) The Chairman of the University shall be appointed by the State Government, who shall be an eminent educationalist or technologist or scientist or industrialist or administrator; and be associated with education, philanthropy, research and development, industry or business development or administration in the State services, corporations or public bodies.

(2) The Chairman shall hold office for a period of three years and shall be eligible for re-nomination.

(3) The other terms, conditions and process of appointment of the Chairman shall be such as may be decided by the State Government.

(4) Where a vacancy in the office of the Chairman occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Interim Chairman of the University for such period as may be decided in such order in accordance with the provision of sub-section (1).

(5) The Chairman may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

11. (1) The Chairman shall preside over the meetings of the Board and at the convocation of the University.

Powers of Chairman.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations made thereunder.

(3) The Chairman shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes and of any institution or center or

school maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

12. (1) The Board of Governors of the University shall consist of following members, namely: **Board of Governors.**

- (i) the Chairman of University;
- (ii) the Chairman of the Advisory Council;
- (iii) the Director General;
- (iv) the Secretary to the Government of Gujarat, Department of Science and Technology, *ex-officio*;
- (v) the Secretary to the Government of Gujarat, Higher and Technical Education, Education Department, *ex-officio*;
- (vi) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*, to be nominated by the Finance Department;
- (vii) the Mission Director, Gujarat State Biotechnology Mission, *ex-officio*;
- (viii) the Director, Gujarat Biotechnology Research Center, *ex-officio*;
- (ix) one Vice-Chancellor or ex-Vice-Chancellor of the State or National University or a Director or equivalent of the Institute of national repute, to be nominated by the Board;
- (x) two expert academicians, to be nominated by the Board;
- (xi) three experts representing other disciplines such as finance, legal, management, science or industries, to be nominated by the Board; and
- (xii) in the event of the University having a significant collaborative partnership for academics or research with any University or institutions or school or center of repute, two nominees of such partnering University or institution or center.

(2) The first time nomination of members listed at serial no (ix), (x), (xi) shall be done by the State Government.

(3) The Registrar shall be the Secretary of the Board.

**Powers and
functions of
Board.**

13. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, directions and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council, Finance Committee and other committees or authorities constituted by the University.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely: -

- (i) to take decisions on questions of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to lay down policies to be pursued by the University;
- (iv) to make regulations;
- (v) to consider and approve the annual report and the annual budget of the University for every financial year;
- (vi) to invest moneys and funds of the University and take decision on the recommendation of the Finance Committee;
- (vii) to create or abolish posts of teachers, officers and other employees of the University
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to appoint Director General;
- (x) to decide and approve partnerships, commercial arrangements with other legal entities in furtherance of the objectives of the University
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and all such other powers and functions for achieving the objectives of the University.

(3) The Board may delegate any of its powers (except power to make regulations) to the Director General, Directors, Deans, Registrar or any other officer, employee or authority of the University or to a committee appointed by it.

14.(1) Save as otherwise provided in this section, the term of a member of the Board nominated under sub-section (1) of section 12 shall be three years from the date of his nomination, and such member shall be eligible for re-nomination

Term of office and vacancies amongst members of Board and allowances, etc.

(2) A member nominated under sub-section (1) of section 12 may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

15. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the control and regulation of, and be responsible for, the maintenance of standards of instruction, education, research and evaluation within the University.

Academic Council.

(2) The Academic Council of the University shall consist of the following members, namely: -

- (i) the Director General, who shall be the Chairman of the Council;
- (ii) three academicians or professionals, to be nominated by the Board;
- (iii) the Directors,
- (iv) the Deans,
- (v) two faculty members from the programs being run at the University campus, to be nominated by the Board,
- (vi) one faculty of each University School, to be nominated by the Director General.

(3) The Registrar shall be the Secretary of the Academic Council.

(4) The term of office of the members other than the *ex-officio* members, shall be three years and shall be eligible for re-nomination.

(5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Board and his resignation shall take effect from such date it is accepted by the Chairman of the Board.

**Powers and
functions of
academic
council.**

16. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and functions, namely: -

- (i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instructions, education, research and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the faculties/officers of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

**Advisory
Council.**

17. (1) The Advisory Council of the University shall consist of the following members, namely:

- (i) the Chairman;
- (ii) the Director General;

- (iii) five academicians or research scientists of national or global eminence, to be nominated by the Board;
 - (iv) two leading members from biotech industry or industry associations having national or international operations nominated by the Board;
 - (v) Directors;
 - (vi) two faculty members from the programs being run at the University campus, to be nominated by the Board.
- (2) The Registrar shall be the Secretary of the advisory council.
- (3) The term of the nominated members of the Advisory Council shall be for a period of three years from the date of constitution. The other terms and conditions of the members of the Advisory Council shall be such as may be determined by the regulations.
- (4) The Chairman of the Advisory Council shall be appointed by the State Government, who shall be an eminent educationalist or technologist or industrialist or administrator having vision for research or innovation; and be associated with education, philanthropy, industrial or business development or administration in the State services, corporations or public bodies.
- (5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Advisory Council and his resignation shall take effect from such date it is accepted by the Chairman of the Advisory Council.
- (6) The other terms and conditions, including remuneration for the members of the Advisory Council shall be such as may be decided by the Board.

18. The Advisory Council shall advise the Board in relation to:

- (i) matters related to research focus, infrastructure and campus development, internationalization of the activities and programs, technology enhanced curriculum and pedagogy, technology commercialization, intellectual property rights policy, protection of inventions, and licensing of University-owned technology, procedures and functions;
- (ii) matters of strategic vision, direction and partnerships for the University, global and national tie ups, research collaborations at institution level, program diversification.

Powers and functions of advisory council.

19. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Director General, who shall be the Chairman of the Committee;

Finance committee.

- (ii) one member of the Board, to be nominated by the Board;
- (iii) one Director or Dean of the University, to be nominated by the Director General;
- (iv) one Director from each of non-co-located schools or centers or institutions affiliated to the University;
- (v) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*, to be nominated by the Finance Department;
- (vi) the Secretary to the Government of Gujarat, Department of Science and Technology, *ex-officio*; and
- (vii) one expert in the field of finance, to be nominated by the Board.

(2) The Registrar shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Finance Committee and his resignation shall take effect from such date it is accepted by the Chairman of the Finance Committee.

**Powers and
functions of
finance
committee.**

20. Subject to other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University, its schools or institutions or centers and advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay-scales, up gradation of the scales and those items which are not included in the budget prior to placing before the Board;
- (viii) to approve the expenditure of the University to the extent and manner as may be prescribed;
- (ix) to decide the principles of financial delegation and recommend to the Board;

- (x) to decide the principles of procurement process and recommend to the Board; and
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

**Director
General.**

21. (1) The Director General shall be appointed by the Chairman with the prior approval of the State Government, through a process wherein the Board shall recommend a panel comprising of up to three names based on the recommendations of a Search-cum-Selection Committee constituted by the Board in the manner as may be prescribed by regulations.

(2) The Director General shall be an eminent educationalist or technologist or scientist or administrator having vision for science, technology, research and innovation; and be associated with education, philanthropy, research and development or administration in the State services, corporations or public bodies.

(3) The Director General shall preside over the meetings of the Academic Council and the Finance Committee.

(4) The term of office of the Director General shall be for a period of five years or till he attains the age of sixty-five years, whichever is earlier.

(5) Whenever any vacancy occurs in the office of the Director General and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) and (2) and if there is any emergency, the Board may appoint any suitable person to perform duties of the Director General and may, from time to time, extend the term of such person for a period not exceeding one year.

(6) The Director General may resign from his office by writing under his hand addressed to the Chairman of the University and his resignation shall take effect from such date when it is accepted by the Board.

(7) Notwithstanding anything contained in any other clauses of this section, the Chairman may on recommendation of the Board, remove from the office the Director General if he –

- (i) is adjudged an insolvent; or
- (ii) has been convicted of an offence which, in the opinion of the Board, involves moral turpitude; or
- (iii) engages during his term of office in any paid employment outside the duties of his office; or
- (iv) is, in the opinion of the Board, unfit to continue in office by reason of infirmity of mind or body; or
- (v) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Director General.

(8) The other terms and conditions of the services of the Director General shall be such as may be prescribed by the Board.

22. Without prejudice to the generality of the provisions of this Act, the Director General shall: -

**Powers and
functions of
Director
General.**

- (i) exercise general supervision and control over the day to day affairs of the University;
- (ii) preside over at the meetings of the Academic Council and the Finance Committee;
- (iii) ensure implementation of the decisions of the authorities of the University;
- (iv) ensure that the provisions of this Act and the regulations are faithfully followed;
- (v) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board or by the Chairman or any committee of the University.

**Emergency
powers of
Director
General.**

23. (1) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the authority or body of the University empowered, under this Act to deal with it, the Director General may take such action as he may deem fit and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Director General, it may refer the matter to the Board which may either confirm the action taken by the Director General or the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effects or, as the case may be, shall take effect in such modified form so however such modification or annulment shall be without prejudice to the validity of anything previously done by or under the order of the Director General.

(2) Where the exercise of the power by the Director General under subsection (1) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment in accordance with the provisions of this Act and the regulations, not later than six months from the date of order of the Director General, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of order of the Director General.

Registrar. **24.** (1) The Registrar shall be appointed by the Board in such manner and on such terms and conditions as may be prescribed.

(2) The Registrar shall: -

- (i) be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) be responsible to the Director General for the proper discharge of his functions;
- (iv) be responsible for the administration and services of the University; and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) attest and execute all documents on behalf of the University;
- (vi) verify and sign the pleadings in all suits and other proceedings by or against the University and all the processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or the Director General or any of the authority of the University.

25. (1) The Directors of the University or Institute or School or Center shall be appointed by the Director General, with the approval of the Board in such manner and on such terms and conditions as may be prescribed.

Directors.

(2) The qualifications and other terms and conditions of the Directors shall be such as may be prescribed by the regulations.

(3) The Directors shall assist the Director General in managing the academic, administrative and other affairs of the University Departments, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

26. (1) The Director General, with the approval of the Board, shall appoint the Deans of the University from amongst the faculties of the University.

Deans.

(2) The Deans shall assist the Director General and respective Directors of University Schools in managing the academic and other affairs of the University, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

Delegation of powers.

27. Subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers (except the power to make regulations) to any other officer or authority under his or its control.

Conferment of degrees, diplomas and honorary degrees, grant of certificates by University.

28. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board on such terms and conditions, as may be prescribed.

Withdrawal of the degree or diploma and other academic distinction.

29. Notwithstanding anything contained in the Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons.

CHAPTER IV FINANCE AND ACCOUNTS

University Fund.

30. (1) The University shall establish and maintain a Fund to be called the University Fund consisting of –

- (i) any contribution or grants or loans by the State and the Central Government;
- (ii) the income of the University from all sources including income from fees and other charges;
- (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests, transfers or endowments and other grants, if any;
- (iv) all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding entered between the University and the industry, for establishment of the sponsored chairs, fellowships or infrastructure facilities of the University; and
- (v) the moneys received by the University in any other manner or from any other sources.

(2) All moneys credited to the fund of the University shall be deposited in such Banks or the surplus fund shall be invested in such manner as

the Board, on the recommendation of the Finance Committee, decides from time to time.

(3) The University Fund shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

(4) No money from the University shall be spent except as otherwise provided for meeting its objectives.

31. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure and the balance sheet, in such form and in such manner as may be prescribed.

**Accounts, audit
and annual report.**

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed.

(3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountants Act, 1949 to be appointed by the Board.

38 of 1949.

(4) The accounts of the University certified by the person or firm so appointed or any other person authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions and directions to the Director General in respect thereof as it deems fit and the Director General shall comply with such instructions and directions.

(5) The accounts of the University shall be audited by an internal auditor who shall be Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare for each financial year an annual report containing such particulars as the Board may specify and submit the same to the Board on or before such date as may be prescribed. The Board shall consider such report and may pass resolutions thereon.

(7) The copy of the annual report along with the resolution of the Board thereon shall be submitted to the State Government.

32. (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such

**Pension, provident
fund and
insurance.**

manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to the benefit of the officers, teachers and other employees of the University.

(2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

CHAPTER V MISCELLANEOUS

Act and
proceedings
not to be
invalidated by
vacancies.

33. No act or proceedings of the Board or any authority of the University or any committee constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of such Board, authority or committee of the University.

Return and
information.

34. The University shall furnish to the State Government, University Grants Commission and other statutory authorities, such reports, returns, statements and other information as may be required by them from time to time.

Officers and
employees to be
public servant.

35. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Explanation: - For the purpose of this section, any person, who is appointed or, as the case may be, nominated by the University for a specified period or a specified work of the University or, who received any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment of work.

Dismissal,
removal,
reduction or
termination of
services of staff of
University.

36. (1) No officer or employee or member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall be made to the

Chairman within ninety days from the date of communication of such order and the decision of the Chairman in such appeal shall be final.

37. The State Government shall have power to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulation made thereunder and any other law for the time being in force and the University shall be bound to comply with such directions.

Power to give directions.

38. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely: -

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board, and the quorum and conduct of business at such meeting;
- (ii) the other powers and functions to be exercised and discharged by the Chairman, Director General, Directors and Deans and other officers of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the other powers and functions to be exercised and discharged by the Advisory Council, Academic Council, Finance Committee and other authorities which may be constituted;
- (v) to approve the expenditure of the University to the extent and in the manner by the Finance Committee;
- (vi) the procedure to be followed by the Board and any Committee or other body constituted by or under this Act in the conduct of the business, exercise of the powers and discharge of the functions;
- (vii) the procedures and criteria to be followed establishing courses of study and admission of students;
- (viii) the procedure to be followed for enforcing discipline in the University;
- (ix) the management of the properties of the University;
- (x) the degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such

- degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;
- (xi) the conduct of examinations including the term of office and appointment of examiners, controller of examination;
 - (xii) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
 - (xiii) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
 - (xiv) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;
 - (xv) the terms and conditions for association of the University with other institutions;
 - (xvi) the preparation of budget estimates and maintenance of accounts;
 - (xvii) the mode of execution of contracts or agreements by or on behalf of the University;
 - (xviii) the classification and procedure for appointment of officers, employees and other staff of the University;
 - (xix) the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director General, Director, officers, teachers and other employees of the University;
 - (xx) the terms and conditions governing deputation of officers, teachers and other employees of the University;
 - (xxi) the powers and duties of the Director General, Director and other officers, teachers and employees of the University;
 - (xxii) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
 - (xxiii) the authentication of the orders and the decisions of the Board;
 - (xxiv) the matters relating to hostels and halls of residence and housing for faculties, officers and employees; guest house, library, reading rooms, sporting facilities, medical and health facilities, facilities for benefit of students and of officers of the University including disciplinary control therein; and
 - (xxv) all matters which, by this Act, are to be or may be prescribed.

39. No suit, prosecution or other legal proceeding shall lie against and no damage shall be claimed from the University, the Chairman, the Director General, the Directors, the authorities or officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder.

Indemnity

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties.

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of five years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

CHAPTER VI TRANSITORY PROVISIONS

41. Notwithstanding anything contained in sections 10 and 12, the State Government shall appoint the first Chairman and other members of the Board, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Board.

Appointment of first Chairman and members of the Board.

42. (1) Notwithstanding anything contained in section 21, for a period of not exceeding three years immediately after coming in to force of this Act, the State Government shall have the power of appointing the first Director General on such terms and conditions as the State Government thinks fit, and such appointed person shall exercise all the powers and discharge all the functions of the Director General.

Appointment of first Director General.

(2) The first Director General may, with the prior approval of the first Chairman and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations made thereunder and for that purpose, may exercise any powers or perform any duties which by or under this Act and regulations made thereunder are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act and the regulations made thereunder.

Appointment of first Registrar.

43. Notwithstanding anything contained in section 24, the State Government shall have the power of appointing the first Registrar for a

period of not exceeding three years after the commencement of this Act on such terms and conditions as the State Government thinks fit, and such appointed person shall exercise the powers and discharge the functions of the Registrar.

**Appointment of
first Chairman and
other members of
Advisory Council.**

44. Notwithstanding anything contained in section 17, the State Government shall appoint the first Chairman and other members of the Advisory Council for a period of three years, on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Advisory Council.



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The Gujarat Government Gazette

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 8th October, 2018 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2018.

(First published, after having received the assent of the Governor, in the
"Gujarat Government Gazette", on the 9th October, 2018).

AN ACT

further to amend the Gujarat Municipalities Act, 1963.

It is hereby enacted in the Sixty-ninth year of the Republic of
India as follows:-

1. (1) This Act may be called the Gujarat Municipalities (Amendment) Act, 2018. **Short title and commencement.**

(2) It shall be deemed to have come into force on the 13th April, 2018.

Amendment of
section 2 of
Guj. 34 of
1964.

2. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as “the principal Act”), in section 2,- **Guj. 34 of 1964.**

(1) in clause (3B), for the words “Director of Municipalities”, the word “Commissioner” shall be substituted;

(2) after clause (3B), the following clause shall be inserted, namely:-

“(3C) “Commissioner” means the Commissioner of Municipalities Administration appointed by the State Government under section 46A;”;

(3) clause (6) shall be deleted;

(4) after clause (23), the following clauses shall be inserted, namely:-

“(23A) “region” means a region as may be constituted under sub-section (2) of section 46C;

(23B) “Regional Commissioner” means Regional Commissioner of Municipalities appointed by the State Government under sub-section (1) of section 46C;”.

Insertion of
new sections
46A, 46B and
46C in Guj.
34 of 1964.

3. In the principal Act, in Chapter III, after sub-head (2), the following sub-head and sections shall be inserted, namely:-

“(2A) *Officers of Municipalities Administration*

Appointment of
Commissioner of
Municipalities
Administration and
his powers and
functions.

46A. For carrying out the purposes of this Act, the State Government may, appoint an officer to be called the Commissioner of Municipalities Administration who shall, subject to control of the State Government and subject to such general or special orders as the State Government may from time to time make, exercise such powers and perform such functions and duties as are conferred or imposed upon him by or under the provisions of this Act.

**Appointment of
Additional
Commissioner
and his powers
and functions.**

46B. (1) The State Government may, appoint an officer to be called the Additional Commissioner of Municipalities Administration.

(2) The Additional Commissioner shall, subject to such general or special order, exercise such powers and perform such functions and duties as may be conferred or assigned to him by the Commissioner.

**Appointment of
Regional
Commissioner, his
powers and
functions, and
constitution of
Region.**

46C. (1) The State Government may, appoint an officer to be called the Regional Commissioner of Municipalities for each region constituted under sub-section (2).

(2) The State Government may, by notification in the *Official Gazette*, constitute as many regions as it deems fit, consisting of such municipalities in such districts as may be specified in the notification.

(3) The Regional Commissioner shall, subject to such general or special order, exercise such powers and perform such functions and duties as may be conferred or imposed upon him by or under this Act.”.

4. In the principal Act, in section 47, in sub-section (2), for the word “Director”, the word “Commissioner” shall be substituted.

**Amendment of
section 47 of
Guj. 34 of 1964.**

5. In the principal Act, in section 48, in sub-section (4), in the Table, for the word “Director”, the word “Commissioner” shall be substituted.

**Amendment of
section 48 of
Guj. 34 of 1964.**

- Amendment of section 49 of Guj. 34 of 1964.** 6. In the principal Act, in section 49,-
(i) in sub-section (1), in clause (i), for the word “Collector,”, the words “Collector, Regional Commissioner” shall be substituted;
(ii) in sub-section (2), for the word “Director”, occurring at two places, the word “Commissioner” shall be substituted.
- Amendment of section 50 of Guj. 34 of 1964.** 7. In the principal Act, in section 50, in sub-section (1), for the word “Director”, the word “Commissioner” shall be substituted.
- Amendment of section 51 of Guj. 34 of 1964.** 8. In the principal Act, in section 51, in sub-section (2), in the proviso, for the word “who”, the words “and the Regional Commissioner. The Regional Commissioner” shall be substituted.
- Amendment of section 54 of Guj. 34 of 1964.** 9. In the principal Act, in section 54,-
(i) in sub-section (3), for the word “Director”, the word “Commissioner” shall be substituted;
(ii) in sub-section (8), for the word “Director”, the word “Commissioner” shall be substituted.
- Amendment of section 82 of Guj. 34 of 1964.** 10. In the principal Act, in section 82,-
(i) in sub-section (1), in the proviso, in clause (b), for the word “Director”, occurring at two places, the word “Commissioner” shall be substituted;
(ii) in sub-section (2), for the word “Director”, the word “Commissioner” shall be substituted;
(iii) in sub-section (3), for the word “Director”, the word “Commissioner” shall be substituted.
- Amendment of section 99A of Guj. 34 of 1964.** 11. In the principal Act, in section 99A, in sub-section (2), in the second proviso, for the words “Director of Municipalities”, the word “Commissioner” shall be substituted.

- 12.** In the principal Act, in section 108, in sub-section (3), in the second proviso, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 108 of Guj. 34 of 1964.**
- 13.** In the principal Act, in section 120, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 120 of Guj. 34 of 1964.**
- 14.** In the principal Act, in section 131, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 131 of Guj. 34 of 1964.**
- 15.** In the principal Act, in section 134, in sub-section (4), for the word “Collector”, the words “Regional Commissioner” shall be substituted. **Amendment of section 134 of Guj. 34 of 1964.**
- 16.** In the principal Act, in section 210, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 210 of Guj. 34 of 1964.**
- 17.** In the principal Act, in section 219, in sub-section (2), in clause (c), for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 219 of Guj. 34 of 1964.**
- 18.** In the principal Act, in section 220, in sub-section (1), for the word “Director”, occurring at two places, the word “Commissioner” shall be substituted. **Amendment of section 220 of Guj. 34 of 1964.**
- 19.** In the principal Act, in section 257,- **Amendment of section 257 of Guj. 34 of 1964.**
- (1) in sub-section (1), for the words “Director, Collector”, the words “the Commissioner, Regional Commissioner” shall be substituted;
- (2) in sub-section (2), for the word “Collector”, the words “Regional Commissioner” shall be substituted;
- (3) for sub-section (3), the following sub-section shall be substituted, namely:-
- “(3) The Commissioner may, delegate any of its powers exercisable by him under this section to any officer subordinate

to him subject to such terms and conditions or restrictions, if any, as may be specified in such order.”.

**Amendment of
section 258 of
Guj. 34 of 1964.**

20. In the principal Act, in section 258,-

(1) in sub-section (1), for the word “Collector”, the words “Regional Commissioner” shall be substituted;

(2) in sub-section (2),-

(i) for the word “Collector”, the words “Regional Commissioner” shall be substituted;

(ii) for the words, “State Government” the word “Commissioner” shall be substituted;

(3) in sub-section (3),-

(i) for the word “Collector”, the words “Regional Commissioner” shall be substituted;

(ii) (a) after the word “municipality”, the words “or any aggrieved person” shall be inserted;

(b) in the proviso, after the word “municipality”, the words “or any aggrieved person” shall be inserted.

(iii) (a) for the words “State Government”, occurring at two places, the word “Commissioner” shall be substituted;

(b) in the proviso, for the words “State Government”, occurring at two places, the word “Commissioner” shall be substituted.

**Amendment of
section 260 of
Guj. 34 of 1964.**

21. In the principal Act, in section 260, for the word “Director”, occurring at two places, the word “Commissioner” shall be substituted.

**Amendment of
section 262 of
Guj. 34 of 1964.**

22. In the principal Act, in section 262, for the word “Director”, wherever it occurs, the word “Commissioner” shall be substituted.

23. In the principal Act, in section 263, in sub-section (2), in clause (b), for the word “Director”, the word “Commissioner” shall be substituted.

**Amendment
of section 263
of Guj. 34 of
1964.**

24. In the principal Act, section 278A shall be renumbered as sub-section (1) of that section and,-

**Amendment
of section
278A of Guj.
34 of 1964.**

(1) in sub-section (1) as so renumbered, for the word “Director”, the word “Commissioner” shall be substituted;

(2) after sub-section (1), the following sub-section shall be added, namely:-

“(2) The Commissioner may, with the prior approval of the State Government, by an order in writing, delegate any of its powers exercisable by him under this Act to any officer subordinate to him subject to such terms and conditions, if any, as may be specified in such order.”.

**Guj.
Ord.
1 of
2018.**

25. (1) The Gujarat Municipalities (Amendment) Ordinance, 2018 is hereby repealed.

**Repeal
and
saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 11th October, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 18 OF 2018.

(First published, after having received the assent of the Governor, in the
"Gujarat Government Gazette", on the 12th October, 2018).

AN ACT

further to amend the laws relating to salaries and allowances of
Members, Speaker and Deputy Speaker of the Gujarat Legislative
Assembly, Ministers and Leader of the Opposition.

It is hereby enacted in the Sixty-ninth year of the Republic of
India as follows:-

- 1.** (1) This Act may be called the Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 2018. **Short title and commencement.**
- (2) It shall be deemed to have come into force on the 22nd December, 2017.

**Amendment
of certain
enactments.**

2. The enactments specified in column 2 of the Schedule shall be amended to the extent and in the manner specified in column 3 of the said Schedule.

SCHEDULE

(See section 2)

No.	Name of the enactment.	Extent of amendments.
1	2	3
1.	The Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Guj. II of 1960).	<p>1. For section 3, the following section shall be substituted, namely:-</p> <p style="margin-left: 40px;">Salaries to be paid to Members and dearness allowance.</p> <p style="margin-left: 40px;">“3. (1) There shall be paid to each Member during the whole of his term of office, a basic salary per month at the rate of minimum basic pay payable to the Deputy Secretary of the State Government in Sachivalaya.</p> <p style="margin-left: 40px;">(2) There shall be paid to each Member during the whole of his term of office per month, the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.</p> <p>2. In section 4, in clauses (a) and (b), for the figures "200", the figures "1,000" shall be substituted.</p> <p>3. In section 6A, for sub-section (2), the following shall be substituted, namely:-</p> <p style="margin-left: 40px;">“(2) There shall be paid to every member a sum of Rs.7,000 per month to meet with the telephone expenses including that of the mobile phone.”.</p> <p>4. In section 8,--</p> <p style="margin-left: 40px;">(1) in sub-section (2), for the figures "3,000", the figures "20,000" shall be substituted;</p> <p style="margin-left: 40px;">(2) in sub-section (5A), for the figures "3,000", the figures "5,000" shall be substituted.</p>

2. **The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960 (Guj. III of 1960).**
1. For section 3, the following section shall be substituted, namely:-
- Salary and dearness allowance of Speaker.**
- “**3.** (1) There shall be paid to the Speaker 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.
- (2) There shall be paid to the Speaker during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.
2. In section 3A, for the figures "7,000", the figures "20,000" shall be substituted.
3. Section 3B shall be deleted.
4. In section 5, in sub-section (2), for the figures "4,000", the figures "7000" shall be substituted.
5. For section 10, the following section shall be substituted, namely:-
- Salary and dearness allowance of Deputy Speaker.**
- “**10.** (1) There shall be paid to the Deputy Speaker 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.
- (2) There shall be paid to the Deputy Speaker during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.

6. In section 10A, for the figures "7,000", the figures "20,000" shall be substituted.

7. Section 10B shall be deleted.

8. In section 12C, in sub-section (3), for the figures "4,000", the figures "7,000" shall be substituted.

3. The Gujarat Ministers' Salaries and Allowances Act, 1960 (Guj. VI of 1960).

1. For section 3, the following section shall be substituted, namely:-

Salaries and dearness allowance of Ministers and Ministers of State.

“**3.** (1) There shall be paid to the Minister 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

(2) There shall be paid to the Minister during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.

2. In section 3A, for the figures "7,000", the figures "20,000" shall be substituted.

3. Section 3B, shall be deleted.

4. In section 5, in sub-section (2), for the figures "4,000", the figures "7,000" shall be substituted.

5. For section 6, the following section shall be substituted, namely:-

Salaries and dearness allowance of Deputy Ministers.

“**6** (1) There shall be paid to the Deputy Minister 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.”.

(2) There shall be paid to the Deputy Minister during the whole of his term of office per month the

dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.

6. In section 6A, for the figures "7,000", the figures "20,000" shall be substituted.

7. Section 6B shall be deleted.

8. In section 8, in sub-section (2), for the figures "4,000", the figures "7,000" shall be substituted.

4. The Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979 (Guj. 16 of 1979).

1. For section 3, the following section shall be substituted, namely:-

Salary and dearness allowance of Leader of Opposition.

“3. (1) There shall be paid to the Leader of the Opposition 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.”.

(2) There shall be paid to the Leader of the Opposition during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.

2. In section 3A, for the figures "7,000", the figures "20,000" shall be substituted.

3. Section 3B shall be deleted.

4. In section 5, in sub-section (2), for the figures "4,000", the figures "7,000" shall be substituted.

5. In section 8, in sub-section (2), for the figures “1,000”, the figures “10,000” shall be substituted.



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 5th October, 2018 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 19 OF 2018

(First Published, after having received the assent of the President, in the “Gujarat Government Gazette”, on the 16th October, 2018)

AN ACT

*to provide for regulation of issuance and verification of the
Caste Certificates to the persons belonging to the Scheduled Castes,
Scheduled Tribes or Other Backward Classes and for matters connected
therewith or incidental thereto.*

WHEREAS it is expedient to provide for the regulation of the issuance and verification of the Caste Certificates to the persons belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Classes and for matters connected therewith or incidental thereto;

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

- 1.** (1) This Act may be called the Gujarat Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Issuance and Verification of Caste Certificates) Act, 2018.

**Short title and
commencement.**

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (a) "Caste Certificate" means the certificate issued by the Competent Authority to an applicant indicating therein the Scheduled Caste, Scheduled Tribe or Other Backward Class, as the case may be, to which such applicant belongs;
- (b) "Competent Authority" means an officer or authority authorized by the Government, by notification in the *Official Gazette*, to issue a Caste Certificate, for such area and for such purpose as may be specified in the said notification;
- (c) "Educational Institution" means any School, Degree College, College of Education, Polytechnic, Industrial Training Institute, College of Fine Arts and Architecture, College of Music and Dance, Engineering College, Agricultural College, Veterinary College, Medical College, Dental College, Ayurvedic College, Homoeopathic College, Unani College, Nurses Training School, Health Visitors Training School, Vocational Training Institution, Deemed University, Open University and various colleges under the control of any University established by or under an Act of the Central or State Legislature and such other Institution, by whatever name called, which is carrying on (either exclusively or among other activities) the activity of imparting education;
- (d) " Government " means the Government of Gujarat;
- (e) "Local authority" means,-
 - (i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949;
 - (ii) a Municipality constituted under the Gujarat Municipalities Bom. LIX of 1949. Act, 1963;

Guj. 18 of 1993.

(iii) a Panchayat constituted under the Gujarat Panchayats Act, 1993;

(f) "Other Backward Classes" means any Socially and Educationally Backward Classes of citizens as declared by the Government and includes other Backward Classes declared by the Government of India in relation to the State of Gujarat;

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India;

(i) "Scrutiny Committee" means the Committee or committees constituted under sub-section (1) of section 6 for verification of the Caste Certificate and to perform the functions of Scrutiny Committee under this Act.

3. Any person belonging to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes, required to produce a Castes Certificate in order to claim the benefit of any reservation provided to such Castes, Tribes or Classes, either for admission into any educational institution under article 15 or in any public employment under article 16 of the Constitution of India or for the purpose of contesting for elective post in any local authority, co-operative society or any other purposes specified by the Government, shall apply in such form and in such manner as may be prescribed, to the Competent Authority for the issuance of a Caste Certificate.

**Application
for a Caste
Certificate.**

4. (1) The Competent Authority may, on an application made to it under section 3, after satisfying itself about the genuineness of the claim and following the procedure as prescribed, issue a Caste Certificate in such form as may be prescribed or reject the application for reasons to be recorded in writing.

**Caste
Certificate to
be issued by
the Competent
Authority.**

(2) A Caste Certificate issued by any person, officer or authority other than the Competent Authority shall be invalid. The Caste Certificate issued by the Competent Authority shall be valid only subject to the verification and grant of validity certificate by the Scrutiny Committee.

Appeal. 5. (1) Any person aggrieved by an order of rejection of application passed by the Competent Authority under sub- section (1) of section 4 may, within a period of 30 days from the date of receipt of an order, appeal to the Appellate Authority specified by the Government by notification in the *Official Gazette*.

(2) The Appellate Authority may within a period of three months, after giving the appellant an opportunity of being heard and after satisfying itself about the genuineness or otherwise of the claim of the appellant either confirms the rejection order, or set aside the order of the Competent Authority and directs the Competent Authority to issue the Caste certificate within seven days from the receipt of the direction.

**Verification
of Caste
Certificate
by Scrutiny
Committee.**

6. (1) The Government shall constitute, by notification in the *Official Gazette*, one or more Scrutiny Committee(s) for verification of Caste Certificates issued by the Competent Authorities under sub-section (1) of section 4 specifying in the said notification the functions and the area of jurisdiction of each Scrutiny Committee or Committees.

(2) After obtaining the Caste Certificate from the Competent Authority, any person desirous of availing the benefits or concessions provided to the Scheduled Castes, Scheduled Tribes or Other Backward Classes for the purposes mentioned in section 3 may make an application, within such time, in such form and in such manner as may be prescribed, to the concerned Scrutiny Committee for the verification of such Caste Certificate and issuance of a validity certificate.

(3) The appointing authorities of the Central or a State Government, local authority, public sector undertakings, educational institutions, co-operative

societies or any other Government aided institutions shall make an application in such form and in such manner as may be prescribed to the Scrutiny Committee concerned for the verification of the Caste Certificate and issuance of a validity certificate, in case a person selected for an appointment with the Government concerned, local authority, public sector undertakings, educational institutions, co-operative societies or any other Government aided institutions has not obtained such certificate.

(4) The Scrutiny Committee shall follow such procedure for verification of the Caste Certificate and adhere to the time limit for verification and grant of validity certificate, as may be prescribed.

7. All applications pending for issuance of Caste Certificate or validity certificate prior to coming into force of this Act shall stand transferred to the Competent Authority or, as the case may be, the Scrutiny Committee on the coming into force of this Act:

Applications pending prior to the commencement of the Act.

Provided that the State Government may direct, by Order published in the *Official Gazette*, that authorities to whom the applications for issuance of Caste Certificate or the validity certificate were to be made prior to the date of coming into force of the Act lied, shall continue to function for such time as may be specified in the Order.

8. (1) Where, before or after the commencement of this Act, a person not belonging to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes has obtained a false Caste Certificate to the effect that either himself or his children belong to such Castes, Tribes or Classes, the Scrutiny Committee may, *suo motu*, or otherwise call for the record and enquire into the correctness of such certificate and if it is of the opinion that the certificate was obtained fraudulently, it shall, by an order cancel and confiscate the certificate by following such procedure as may be prescribed, after giving the person concerned an opportunity of being heard, and communicate the same to the concerned person and the concerned authority.

Confiscation and cancellation of false Caste Certificate.

(2) The order passed by the Scrutiny Committee under this Act shall be final and shall not be challenged before any authority or court except the High Court under article 226 of the Constitution of India.

Burden of proof.

9. In any proceedings either before the Competent Authority, the Scrutiny Committee or the Appellate Authority under this Act or in any trial of offence under this Act, the burden of proving that the person belongs to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes shall be on such claimant/applicant.

Powers of Civil court to Competent Authority, Appellate Authority and Scrutiny Committee.

10. The Competent Authority, the Scrutiny Committee or the Appellate Authority shall, while holding an enquiry under this Act, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 and in particular in respect of the following matter, **V of 1908.** namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) receiving evidence on affidavits ;
- (d) requisitioning any public record or copy thereof from any Court or office ; and
- (e) issuing commissions for the examination of witnesses or documents.

Benefits secured on the basis of false Caste Certificate to be withdrawn.

11. (1) Whoever, not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes, secures or has secured admission in any educational institution against a seat reserved for such Caste, Tribe or Class, or secures any appointment in the Government, local authority, co-operative society or in any other Company or Corporation, owned or controlled by the Government or in any Government aided institution against a post reserved for such Caste, Tribe or Class by producing a false Caste Certificate shall, on cancellation of the Caste Certificate by the Scrutiny Committee, be liable to be,

(a) debarred from the concerned educational institution, or as the case may be,

(b) discharged from the said employment forthwith,

and any other benefits enjoyed or derived by virtue of such admission or appointment by such person as aforesaid shall be withdrawn forthwith.

(2) Any amount paid to such person by the Government or any other agency by way of scholarship, grant, allowance or other financial benefit shall be recovered from such person as arrears of land revenue.

(3) Notwithstanding anything contained in any Act for the time being in force, any Degree, Diploma or any other educational qualification acquired by such person after securing admission in any educational institution on the basis of a Caste Certificate which is subsequently proved to be false shall also stand cancelled, on cancellation of such Caste Certificate, by the Scrutiny Committee.

(4) Notwithstanding anything contained in any law for the time being in force, a person shall be disqualified for being a member of any statutory body if he has contested the election for local authority, co-operative society or any statutory body on the seat reserved for any of Scheduled Castes, Scheduled Tribes or Other Backward Classes by procuring a false Caste Certificate as belonging to such Caste, Tribe or Class, on such false Caste Certificate being cancelled by the Scrutiny Committee; and any benefits obtained by such person shall be recoverable as arrears of land revenue and the election of such person shall be deemed to have been terminated retrospectively.

12. (1) Whoever,-

- (a) obtains a false Caste Certificate by furnishing false information or filing false statement or documents or by any other fraudulent means ; or
- (b) not being a person belonging to any of the Scheduled

**Offences
and
penalties.**

Castes, Scheduled Tribes or Other Backward Classes secures any benefits or appointments exclusively reserved for such Castes, Tribes or Classes in the Government, local authority, co-operative society or any other company or corporation owned or controlled by the Government or in any Government aided institution, or secures admission in any educational institution against a seat exclusively reserved for such Castes, Tribes or Classes or is elected to any of the elective offices of any local authority or co-operative society against the office, reserved for such Castes, Tribes or Classes, by producing a false Caste Certificate,

shall, on conviction, be punished, with rigorous imprisonment for a term which shall not be less than six months but which may extend up to three years and with fine which shall not be less than ten thousand rupees, but which may extend up to fifty thousand rupees.

(2) No court shall take cognizance of an offence punishable under this section except upon a complaint, in writing, made by the Scrutiny Committee or by any other officer duly authorized by the Scrutiny Committee for this purpose.

**Offences
under Act to
be cognizable
and non-
bailable.**

13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973-

2 of 1974.

(a) offences punishable under section 12 shall be cognizable and non-bailable;

(b) every offence punishable under this Act, shall be tried by any Magistrate of First Class following summons case procedure prescribed in the Code of Criminal Procedure, 1973.

2 of 1974.

14. (1) Whoever, being the Competent Authority, intentionally issues a false Caste Certificate shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend up to three years and with fine which shall not be less than ten thousand rupees but which may extend up to fifty thousand rupees:

Penalty for issuing false Caste Certificate.

Provided that the person who abets the production of false documents on the basis of which the Competent Authority issues the Caste Certificate, such person shall also be liable.

(2) Whoever, not being the Competent Authority, intentionally issues a Caste Certificate shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend up to three years and with fine which shall not be less than ten thousand rupees but which may extend up to fifty thousand rupees.

(3) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government.

15. No civil court shall have jurisdiction, to entertain, to continue or to decide any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order, if the claim involved in such suit or proceeding, or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act.

Bar of jurisdiction of civil court.

16. No suit, prosecution or other legal proceedings shall lie against any officers discharging the functions of Competent Authority or Appellate Authority or any member of the Scrutiny Committee, for anything which is done in good faith or intended to be done in pursuance of this Act or the rules made thereunder.

Protection of action taken in good faith.

17. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Acts not in derogation to any other law.

IV-Ex-20-3

**Power to
make rules.**

18. (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

**Power to
remove
difficulties.**

19. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of State Legislature.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 17th October, 2018 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 20 OF 2018.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 30th October, 2018).

AN ACT

*further to amend the Gujarat Prevention of Fragmentation and
Consolidation of Holdings Act, 1947.*

It is hereby enacted in the Sixty-ninth Year of the Republic of
India as follows:-

1. (1) This Act may be called the Gujarat Prevention of Fragmentation and Consolidation of Holdings (Amendment) Act, 2018. **Short title and commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section 9
of Bom.LXII
of 1947.**

2. In the Gujarat Prevention of Fragmentation and Consolidation of Holdings Act, 1947, in section 9, in sub-section (2), for the words "of the market value", occurring at two places, the words "of the prevailing jantri value" shall be substituted.

**Bom.LXII
of 1947.**
